
ASSEMBLY BILL NO. 337—ASSEMBLYMEN GIUNCHIGLIANI,
ARBERRY, PARKS, MCCLAIN, LESLIE, ANDERSON,
ATKINSON, CONKLIN, HORNE, MANENDO, OCEGUERA AND
WILLIAMS

MARCH 14, 2003

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning rights of ex-felons. (BDR 14-63)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to criminal history; providing for the automatic restoration of the civil rights of a person who is honorably discharged from probation or parole, or pardoned or released from prison after serving his sentence; providing for the automatic restoration of the civil rights of a person whose records of conviction are sealed; removing the authority of the State Gaming Control Board and Nevada Gaming Commission to inspect certain sealed records concerning convictions; limiting the persons who are required to register as convicted persons; prohibiting a law enforcement agency from requiring a convicted person to carry a registration card; revising the provisions governing the employment of certain convicted felons; revising the provisions governing the certification and licensure of certain convicted felons in certain professions and occupations; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:



* A B 3 3 7 *

1 **Section 1.** NRS 176A.850 is hereby amended to read as
2 follows:

3 176A.850 1. A person who:
4 (a) Has fulfilled the conditions of his probation for the entire
5 period thereof;
6 (b) Is recommended for earlier discharge by the Division; or
7 (c) Has demonstrated his fitness for honorable discharge but
8 because of economic hardship, verified by a parole and probation
9 officer, has been unable to make restitution as ordered by the
10 court,
11 may be granted an honorable discharge from probation by order of
12 the court.

13 2. Any amount of restitution remaining unpaid constitutes a
14 civil liability arising upon the date of discharge.

15 3. A person honorably discharged from probation:
16 (a) Is free from the terms and conditions of his probation;
17 (b) ~~If he meets the requirements of NRS 176A.860, may apply~~
18 ~~to the Division to request a restoration of his civil rights; and~~
19 ~~—(e) If he meets the requirements of NRS 179.245, may apply to~~
20 ~~the court for the sealing of records relating to his~~
21 ~~conviction [~~
22 ~~The person must]; and~~

23 (c) *Must* be informed of the provisions of this section and NRS
24 ~~[176A.860 and]~~ 179.245 in his probation papers.

25 4. *If the court grants to a person an honorable discharge*
26 *from probation pursuant to this section:*

27 (a) *The court shall include in the honorable discharge an*
28 *order restoring the civil rights of the person and releasing the*
29 *person from all penalties and disabilities which resulted from*
30 *the offense or crime of which the person was convicted and notify*
31 *the Division of the order; and*

32 (b) *The Division shall, as soon as reasonably practicable after*
33 *entry of the court order:*

34 (1) *Provide written notice to the registrar of voters for the*
35 *county in which the person resides that the right to vote of the*
36 *person has been restored; and*

37 (2) *Provide written notice to the person that his civil rights*
38 *have been restored. The person may present the written notice to*
39 *the registrar of voters for the county in which the person resides as*
40 *proof that his right to vote has been restored.*

41 5. *If a person is honorably discharged from probation in*
42 *another state, the person may apply to a court of competent*
43 *jurisdiction in this state for restoration of his civil rights. The*
44 *court shall recognize the order granting the honorable discharge*
45 *in the other state for the purpose of restoring the right to vote of*



1 *the person in this state and the provisions of this section must*
2 *apply.*

3 6. A person honorably discharged from probation who has had
4 his civil rights restored by the court:

5 (a) Is exempt from the requirements of chapter 179C of NRS,
6 but is not exempt from the requirements of chapter 179D of NRS.

7 (b) May vote, hold office or serve as a juror.

8 (c) Shall disclose the conviction to a gaming establishment and
9 to the State and its agencies, departments, boards, commissions and
10 political subdivisions, if required in an application for employment,
11 license or other permit. As used in this paragraph, "establishment"
12 has the meaning ascribed to it in NRS 463.0148.

13 (d) Except as otherwise provided in paragraph (c), need not
14 disclose the conviction to an employer or prospective employer.

15 ~~[5.]~~ 7. The prior conviction of a person whose civil rights have
16 been restored ~~[or who has been honorably discharged from~~
17 ~~probation] pursuant to this section~~ may be used for purposes of
18 impeachment. In any subsequent prosecution of the person, ~~[who~~
19 ~~has had his civil rights restored or who has been honorably~~
20 ~~discharged from probation.]~~ the prior conviction may be pleaded
21 and proved if otherwise admissible.

22 8. *A person must not be required to pay a fee to have his civil*
23 *rights restored or to be released from penalties and disabilities*
24 *pursuant to this section.*

25 **Sec. 2.** NRS 179.285 is hereby amended to read as follows:

26 179.285 ~~[Except as otherwise provided in NRS 179.301, if]~~

27 1. *If* the court orders a record sealed pursuant to NRS
28 176A.265, 179.245, 179.255, 179.259 or 453.3365:

29 ~~[1.]~~ (a) All proceedings recounted in the record are deemed
30 never to have occurred, and the person to whom the order pertains
31 may properly answer accordingly to any inquiry, *including,*
32 *without limitation, an inquiry relating to an application for*
33 *employment,* concerning the arrest, conviction, dismissal or
34 acquittal and the events and proceedings relating to the arrest,
35 conviction, dismissal or acquittal.

36 ~~[2.—The]~~

37 (b) *Unless the person has already had his civil rights restored,*
38 *the* court shall :

39 (1) *Enter an order restoring* the civil rights of the person ~~[to~~
40 ~~whom the order pertains to be restored if the person has not been~~
41 ~~restored to his civil rights.]~~ *and releasing the person from all*
42 *penalties and disabilities which resulted from the offense or crime*
43 *of which the person was convicted; and*

44 (2) *Provide written notice, as soon as reasonably*
45 *practicable after entry of the court order, to the person and the*



1 registrar of voters for the county in which the person resides that
2 the right to vote of the person has been restored. The person may
3 present the written notice to the registrar of voters for the county
4 in which the person resides as proof that his right to vote has been
5 restored.

6 2. If a court in another state has ordered the same or similar
7 type of record of a person to be sealed, the person may apply to a
8 court of competent jurisdiction in this state for restoration of his
9 civil rights. The court shall recognize the order sealing the record
10 in the other state for the purpose of restoring the right to vote of
11 the person in this state and the provisions of this section must
12 apply.

13 **Sec. 3.** NRS 179.301 is hereby amended to read as follows:

14 179.301 1. ~~{The State Gaming Control Board and Nevada~~
15 ~~Gaming Commission and their employees, agents and~~
16 ~~representatives may inquire into and inspect any records sealed~~
17 ~~pursuant to NRS 179.245 or 179.255, if the event or conviction was~~
18 ~~related to gaming, for purposes of determining the suitability or~~
19 ~~qualifications of any person to hold a state gaming license,~~
20 ~~manufacturer's, seller's or distributor's license or gaming work~~
21 ~~permit pursuant to chapter 463 of NRS. Events and convictions, if~~
22 ~~any, which are the subject of an order sealing records may form the~~
23 ~~basis for recommendation, denial or revocation of those licenses or~~
24 ~~work permits.~~

25 ~~—2.}~~ The Central Repository *for Nevada Records of Criminal*
26 *History* and its employees may inquire into and inspect any records
27 sealed pursuant to NRS 179.245 or 179.255 that constitute
28 information relating to sexual offenses, and may notify employers of
29 the information in accordance with NRS 179A.180 to 179A.240,
30 inclusive.

31 ~~{3.}~~ 2. Records which have been sealed pursuant to NRS
32 179.245 or 179.255 and which are retained in the statewide registry
33 established pursuant to NRS 179B.200 may be inspected pursuant to
34 chapter 179B of NRS by an officer or employee of the Central
35 Repository or a law enforcement officer in the regular course of his
36 duties.

37 **Sec. 4.** NRS 179C.010 is hereby amended to read as follows:

38 179C.010 1. Except as otherwise provided in subsection 2, as
39 used in this chapter, unless the context otherwise requires,
40 "convicted person" means:

41 (a) A person convicted in the State of Nevada ~~{of an offense that~~
42 ~~is punishable as a felony}~~ or convicted in any place other than the
43 State of Nevada of ~~{a felony};~~



1 ~~—(b) A person convicted in the State of Nevada, or elsewhere, of~~
2 ~~the violation of a law, regardless of whether the violation is~~
3 ~~punishable as a felony:~~

4 ~~—(1) Relating to or regulating the possession, distribution,~~
5 ~~furnishing or use of a habit forming drug of the kind or character~~
6 ~~described and referred to in the Uniform Controlled Substances Act;~~

7 ~~—(2) Regulating or prohibiting the carrying, possession or~~
8 ~~ownership of a concealed weapon, deadly weapon or weapon~~
9 ~~capable of being concealed, or regulating or prohibiting the~~
10 ~~possession, sale or use of a device, instrument or attachment~~
11 ~~designed or intended to be used to silence the report or conceal the~~
12 ~~discharge or flash of any firearm; or~~

13 ~~—(3) Regulating or prohibiting the use, possession,~~
14 ~~manufacture or compounding of tear gas, or any other gas, that may~~
15 ~~be used to disable temporarily or permanently a human being; or (c)~~
16 ~~A person convicted in the State of Nevada, or elsewhere, of an~~
17 ~~attempt or a conspiracy to commit an offense described or referred~~
18 ~~to in this subsection.] *three or more offenses punishable as felonies*~~
19 ~~*which involved the use or threatened use of force or violence*~~
20 ~~*against the victim; or*~~

21 *(b) A habitual felon as defined in NRS 207.012.*

22 2. For the purposes of this chapter, “convicted person” does not
23 include:

24 (a) A person who has been convicted of a crime against a child,
25 as defined in NRS 179D.210, or a sexual offense, as defined in NRS
26 179D.410; ~~or~~

27 (b) Except as otherwise provided in this chapter, a person whose
28 conviction is or has been set aside in the manner provided by law ~~;~~
29 *; or*

30 *(c) A person whose civil rights have been restored pursuant to*
31 *NRS 176A.850, 179.285, 213.090, 213.155 or 213.157.*

32 **Sec. 5.** NRS 179C.100 is hereby amended to read as follows:

33 179C.100 1. It is unlawful for a convicted person to be or
34 remain in the State of Nevada for a period of more than 48 hours
35 without, during such 48-hour period, registering with the sheriff of a
36 county or the chief of police of a city in the manner prescribed in
37 this section.

38 2. A convicted person who does not reside in the State of
39 Nevada but who has a temporary or permanent place of abode
40 outside the State of Nevada, and who comes into the State on five
41 occasions or more during any 30-day period, is subject to the
42 provisions of this chapter.

43 3. A person who has registered as a convicted person with the
44 sheriff of a county or the chief of police of a city shall register again



1 as provided in this section if he subsequently commits another
2 offense described or referred to in this chapter.

3 4. A person required by this section to register shall do so by
4 filing with the sheriff or chief of police a statement in writing, upon
5 a form prescribed and furnished by the sheriff or chief of police,
6 which is signed by the person and which provides the following
7 information:

8 (a) His true name and each alias that he has used or under which
9 he may have been known;

10 (b) A full and complete description of his person;

11 (c) The kind, character and nature of each crime of which he has
12 been convicted;

13 (d) The place in which he was convicted of each crime;

14 (e) The name under which he was convicted in each instance
15 and the date thereof;

16 (f) The name, if any, and the location of each prison,
17 reformatory, jail or other penal institution in which he was confined
18 or to which he was sentenced;

19 (g) The location and address of his residence, stopping place,
20 living quarters or place of abode, and if more than one residence,
21 stopping place or place of abode, that fact must be stated and the
22 location and address of each given;

23 (h) The kind of residence, stopping place, or place of abode in
24 which he resides, including whether it is a private residence, hotel,
25 apartment house or other building or structure;

26 (i) The length of time he has occupied each place of residence,
27 stopping place or place of abode, and the length of time he expects
28 or intends to remain in the State of Nevada; and

29 (j) Any further information that may be required by the sheriff
30 or chief of police for the purpose of aiding and assisting in carrying
31 into effect the provisions and intent of this chapter.

32 5. *The sheriff of a county or the chief of police of a city shall*
33 *not require a convicted person to carry a registration card, and no*
34 *convicted person who is required to register pursuant to this*
35 *section may be punished for the failure to carry a registration*
36 *card.*

37 6. When so ordered in the individual case by the district court
38 in which the conviction was obtained, by the State Board of Parole
39 Commissioners or by the State Board of Pardons Commissioners,
40 whichever is appropriate, the provisions of this section do not apply
41 to a convicted person who has had his civil rights restored.

42 **Sec. 6.** NRS 179C.170 is hereby amended to read as follows:

43 179C.170 1. The statements and fingerprints provided for in
44 this chapter must at all times be kept by the sheriff or chief of police
45 in a file separate and apart from other files and records maintained



1 and kept by the sheriff or chief of police, and must not be open to
2 inspection by the public, or by any person other than a regular law
3 enforcement officer.

4 2. ~~{Copies of those}~~ *Upon the written request of a person*
5 *listed in this subsection, copies of the* statements and fingerprints
6 may be transmitted to:

7 (a) The sheriff of any county in this state;

8 (b) The head of any organized police department of any
9 municipality in this state;

10 (c) The head of any department of the State of Nevada engaged
11 in the enforcement of any criminal law of this state;

12 (d) ~~{The Nevada Gaming Commission and State Gaming~~
13 ~~Control Board or any successor thereto;~~

14 ~~—(e)~~ The head of any federal law enforcement agency;

15 ~~{(f)}~~ (e) Any sheriff or chief of police of a municipality; or

16 ~~{(g)}~~ (f) The head of any other law enforcement agency in any
17 state or territory outside of this state, if ~~{a request is made in writing~~
18 ~~by such}~~ ;

19 (1) *The* sheriff or other head of a law enforcement agency
20 ~~{asking for}~~ *requests* the record of a certain person named ~~{therein,~~
21 ~~or for}~~ *in the record or requests* the record of a person whose
22 fingerprints reasonably correspond with fingerprints submitted with
23 the request ~~{, and stating}~~ ; and

24 (2) *The request states* that the record is deemed necessary
25 for the use of that law enforcement officer or agency in or
26 concerning the investigation of any crime, or any person who is
27 accused of committing a crime, or any crime which is reported to
28 have been committed, and ~~{further stating}~~ that the record will be
29 used only for that purpose.

30 3. *If the sheriff or chief of police receives a written request*
31 *and transmits copies of the statements or fingerprints pursuant to*
32 *subsection 2, the sheriff or chief of police shall notify the*
33 *convicted person whose information has been requested by*
34 *mailing to the convicted person a copy of the request not later than*
35 *10 days after the date the sheriff or chief of police received the*
36 *written request.*

37 4. A sheriff or chief of police shall, upon the written request of
38 a county clerk or registrar of voters, furnish him with a list
39 containing the name and current address of the residence of each
40 person required to register pursuant to this chapter.

41 **Sec. 7.** NRS 119A.230 is hereby amended to read as follows:

42 119A.230 1. The Administrator may impose a fine or
43 suspend, revoke, reissue, subject to conditions, or deny the renewal
44 of any sales agent's license issued under the provisions of this
45 chapter at any time if the sales agent has, by false or fraudulent



1 application or representation, obtained a license or, whether or not
2 acting as a sales agent, is found guilty of:

- 3 (a) Making any material misrepresentation;
- 4 (b) Making any false promises of a character likely to influence,
5 persuade or induce;
- 6 (c) Engaging in any fraudulent, misleading or oppressive sales
7 techniques or tactics;
- 8 (d) Accepting a commission or valuable consideration as a sales
9 agent for the performance of any of the acts specified in this chapter
10 from any person except a licensed project broker with whom the
11 sales agent is associated or the developer by whom he is employed;
- 12 (e) Failing, within a reasonable time, to account for or remit or
13 turn over to the project broker any money which comes into his
14 possession and which belongs to others;
- 15 (f) Violating any of the provisions of this chapter or chapter
16 119B of NRS or of any regulation adopted pursuant to either
17 chapter, or willfully aiding or abetting another to do so; or
- 18 (g) A felony *relating to the practice of a sales agent* or other
19 crime of moral turpitude or has entered a plea of nolo contendere to
20 a felony *relating to the practice of a sales agent* or other crime of
21 moral turpitude.

22 2. The Administrator may investigate the actions of any sales
23 agent or any person who acts in such a capacity within the State of
24 Nevada.

25 **Sec. 8.** NRS 138.020 is hereby amended to read as follows:

26 138.020 1. No person is qualified to serve as an executor
27 who, at the time the will is probated:

- 28 (a) Is under the age of majority;
- 29 (b) Has been convicted of a felony ~~relating to the position of~~ *relating to the position of*
30 *an executor*;
- 31 (c) Upon proof, is adjudged by the court disqualified to execute
32 the duties of executor by reason of drunkenness, improvidence or
33 lack of integrity or understanding; or
- 34 (d) Is a bank not authorized to do business in the State of
35 Nevada, unless it associates as coexecutor a bank authorized to do
36 business in this state. An out-of-state bank is qualified to appoint a
37 substitute executor, pursuant to NRS 138.045, without forming such
38 an association, but any natural person so appointed must be a
39 resident of this state.

40 2. If a disqualified person is named as the sole executor in a
41 will, or if all persons so named are disqualified or renounce their
42 right to act, or fail to appear and qualify, letters of administration
43 with the will annexed must issue.

44 **Sec. 9.** NRS 139.010 is hereby amended to read as follows:

45 139.010 No person is entitled to letters of administration who:



- 1 1. Is under the age of majority;
- 2 2. Has been convicted of a felony ~~§~~ *relating to the position of*
- 3 *an administrator;*
- 4 3. Upon proof, is adjudged by the court disqualified by reason
- 5 of conflict of interest, drunkenness, improvidence, or lack of
- 6 integrity or understanding; or
- 7 4. Is not a resident of the State of Nevada and who does not
- 8 associate as coadministrator a resident of the State of Nevada or
- 9 which, in the case of a banking corporation, is not authorized to do
- 10 business in this state and does not associate as coadministrator a
- 11 resident of the State of Nevada or a banking corporation authorized
- 12 to do business in this state.

13 **Sec. 10.** NRS 159.059 is hereby amended to read as follows:
 14 159.059 Any qualified person or entity that the court finds
 15 suitable may serve as a guardian. A person is not qualified to serve
 16 as a guardian who:

- 17 1. Is an incompetent.
- 18 2. Is a minor.
- 19 3. Has been convicted of a felony ~~§~~ *relating to the position of*
- 20 *a guardian.*
- 21 4. Has been suspended for misconduct or disbarred from the
- 22 practice of law during the period of the suspension or disbarment.
- 23 5. Is a nonresident of this state and has not:
- 24 (a) Associated as a coguardian, a resident of this state or a
- 25 banking corporation whose principal place of business is in this
- 26 state; and
- 27 (b) Caused the appointment to be filed in the guardianship
- 28 proceeding.
- 29 6. Has been judicially determined, by clear and convincing
- 30 evidence, to have committed abuse, neglect or exploitation of a
- 31 child, spouse, parent or other adult.

32 **Sec. 11.** NRS 197.230 is hereby amended to read as follows:
 33 197.230 The conviction of a public officer of any felony
 34 *relating to the qualifications, functions or duties of the public*
 35 *office* or malfeasance in office shall entail, in addition to such other
 36 penalty as may be imposed, the forfeiture of his office, and shall
 37 disqualify him from ever afterward holding any public office in this
 38 state.

39 **Sec. 12.** NRS 202.760 is hereby amended to read as follows:
 40 202.760 It is unlawful for any person:

- 41 1. Who is under indictment for, or has been convicted in any
- 42 court of, a crime *relating to the practice of shipping or*
- 43 *transporting explosives that is* punishable by imprisonment for a
- 44 term exceeding 1 year;
- 45 2. Who is a fugitive from justice;



1 3. Who is an unlawful user of or addicted to any depressant or
2 stimulant drug or any controlled substance; or

3 4. Who has been judicially declared mentally ill or who has
4 been committed to a hospital as mentally ill,
5 to ship or transport any explosive within the State or to receive any
6 explosive which has been shipped or transported within the State.

7 **Sec. 13.** NRS 213.090 is hereby amended to read as follows:

8 213.090 1. ~~[When]~~ *If* a pardon is granted for any offense
9 committed, the *court shall include in the instrument or certificate*
10 *of pardon* ~~[may or may not include restoration of]~~ :

11 (a) *An order restoring the* civil rights ~~[. If the pardon includes~~
12 ~~restoration of civil rights, it must be so stated in the instrument or~~
13 ~~certificate of pardon and, when granted upon conditions, limitations or~~
14 ~~restrictions, they must be fully set forth in the instrument.~~

15 ~~—2.— In any case where a convicted person has received a pardon~~
16 ~~without immediate restoration of his civil rights, he may apply to the~~
17 ~~State Board of Pardons Commissioners for restoration of his civil~~
18 ~~rights and release from penalties and disabilities resulting from the~~
19 ~~offense or crime of which he was convicted.~~

20 ~~—3.— Upon receiving an application pursuant to subsection 2, the~~
21 ~~Board shall determine whether the applicant has received a pardon.~~
22 ~~If the Board determines that the applicant has received a pardon, the~~
23 ~~Board shall, as soon as reasonably practicable, restore him to his~~
24 ~~civil rights and release him from all penalties and disabilities~~
25 ~~resulting from the offense or crime of which he was convicted.~~

26 ~~—4.— An applicant] of the person and releasing the person from~~
27 ~~all penalties and disabilities which resulted from the offense or~~
28 ~~crime of which the person was convicted; and~~

29 (b) *Any conditions, limitations or restrictions imposed by the*
30 *court on the restoration of the civil rights of the person.*

31 2. *The court shall, as soon as reasonably practicable after*
32 *entry of the court order:*

33 (a) *Provide written notice to the registrar of voters for the*
34 *county in which the person resides that the right to vote of the*
35 *person has been restored; and*

36 (b) *Provide written notice to the person that his civil rights*
37 *have been restored. The person may present the written notice to*
38 *the registrar of voters for the county in which the person resides as*
39 *proof that his right to vote has been restored.*

40 3. *If a person is pardoned in another state, the person may*
41 *apply to the district court for restoration of his civil rights. The*
42 *court shall recognize the order granting the pardon in the other*
43 *state for the purpose of restoring the right to vote of the person in*
44 *this state and the provisions of this section must apply.*



1 **4. A person** must not be required to pay a fee to have his civil
2 rights restored or to be released from penalties and disabilities
3 pursuant to this section.

4 **Sec. 14.** NRS 213.155 is hereby amended to read as follows:

5 213.155 1. ~~[The Board may restore a paroled prisoner to his~~
6 ~~civil rights, conditioned upon the prisoner receiving]~~ **If the Division**
7 **issues** an honorable discharge from parole pursuant to NRS 213.154
8 ~~[. Such restoration must take effect at the expiration of the parole of~~
9 ~~the prisoner.~~

10 ~~—2.— In any case where a convicted person has completed his~~
11 ~~parole without immediate restoration of his civil rights and has been~~
12 ~~issued an honorable discharge from parole pursuant to NRS~~
13 ~~213.154, he may apply to the Division to request a restoration of his~~
14 ~~civil rights and release from penalties and disabilities which resulted~~
15 ~~from the offense or crime of which he was convicted.~~

16 ~~—3.— Upon receiving an application pursuant to subsection 2, the~~
17 ~~Division shall determine whether the applicant has received an~~
18 ~~honorable discharge from parole. If the Division determines that the~~
19 ~~applicant has received an honorable discharge, the Division shall~~
20 ~~forward the application to the Board.~~

21 ~~—4.— Upon receiving an application pursuant to subsection 3, the~~
22 ~~Board shall, as soon as reasonably practicable, restore the applicant~~
23 ~~to his civil rights and release him from all penalties and disabilities~~
24 ~~resulting from the offense or crime of which he was convicted.~~

25 ~~—5.— An applicant] to a parolee:~~

26 **(a) The Division shall notify the Board who shall restore the**
27 **civil rights of the person and release the person from all penalties**
28 **and disabilities which resulted from the offense or crime of which**
29 **the person was convicted; and**

30 **(b) The Division shall, as soon as reasonably practicable**
31 **thereafter:**

32 **(1) Provide written notice to the registrar of voters for the**
33 **county in which the person resides that the right to vote of the**
34 **person has been restored; and**

35 **(2) Provide written notice to the person that his civil rights**
36 **have been restored. The person may present the written notice to**
37 **the registrar of voters for the county in which the person resides as**
38 **proof that his right to vote has been restored.**

39 **2. If a person is honorably discharged from parole in another**
40 **state, the person may apply to the Board for restoration of his civil**
41 **rights. The Board shall recognize an order granting the honorable**
42 **discharge for the purpose of restoring the right to vote of the**
43 **person in this state and the provisions of this section must apply.**



1 **3. A person** must not be required to pay a fee to have his civil
2 rights restored or to be released from penalties and disabilities
3 pursuant to this section.

4 ~~[6.] 4.~~ The Board may adopt regulations necessary or
5 convenient for the purposes of this section.

6 **Sec. 15.** NRS 213.157 is hereby amended to read as follows:

7 213.157 1. In any case where a person convicted of a felony
8 in the State of Nevada has served his sentence and been released
9 from prison ~~[, he may apply to the Division requesting restoration~~
10 ~~of]~~ **and is not subject to a period of parole or probation:**

11 **(a) The Division shall notify the district court and the court**
12 **shall enter an order restoring [his] the civil rights of the person**
13 **and [release] releasing the person** from all penalties and disabilities
14 which resulted from the offense or crime of which he was convicted
15 ~~[.~~

16 ~~—2.— Upon receiving an application pursuant to subsection 1, the~~
17 ~~Division shall determine whether the applicant has served his~~
18 ~~sentence and been released from prison. If the Division determines~~
19 ~~that the applicant has served his sentence and been released from~~
20 ~~prison, the Division shall forward the application to the district court~~
21 ~~in which the conviction was obtained.~~

22 ~~—3.— Upon receiving an application pursuant to subsection 2, the~~
23 ~~court shall, as soon as reasonably practicable, restore the civil rights~~
24 ~~of the applicant and release him from all penalties and disabilities~~
25 ~~which resulted from the offense or crime of which he was convicted.~~

26 ~~—4.— An applicant] ; and~~

27 **(b) The Division shall, as soon as reasonably practicable after**
28 **entry of the court order:**

29 **(1) Provide written notice to the registrar of voters for the**
30 **county in which the person resides that the right to vote of the**
31 **person has been restored; and**

32 **(2) Provide written notice to the person that his civil rights**
33 **have been restored. The person may present the written notice to**
34 **the registrar of voters for the county in which the person resides as**
35 **proof that his right to vote has been restored.**

36 **2. If a person is convicted of a felony, has served his sentence**
37 **and has been released from prison in another state and is not**
38 **subject to a period of parole or probation, the person may apply to**
39 **the district court for the restoration of his civil rights. The court**
40 **shall recognize the order granting the release for the purpose of**
41 **restoring the right to vote of the person in this state and the**
42 **provisions of this section must apply.**

43 **3. A person** must not be required to pay a fee to have his civil
44 rights restored or to be released from penalties and disabilities
45 pursuant to this section.



1 **Sec. 16.** NRS 386.549 is hereby amended to read as follows:

2 386.549 1. The governing body of a charter school must
3 consist of at least three teachers, as defined in subsection 4, and may
4 consist of, without limitation, parents and representatives of
5 nonprofit organizations and businesses. A majority of the members
6 of the governing body must reside in this state. If the membership of
7 the governing body changes, the governing body shall provide
8 written notice to the sponsor of the charter school within 10 working
9 days after such change. A person may serve on the governing body
10 only if he submits an affidavit to the Department indicating that the
11 person has not been convicted of a felony *relating to serving on the*
12 *governing body of a charter school* or any offense involving moral
13 turpitude.

14 2. The governing body of a charter school is a public body. It is
15 hereby given such reasonable and necessary powers, not conflicting
16 with the Constitution and the laws of the State of Nevada, as may be
17 requisite to attain the ends for which the charter school is
18 established and to promote the welfare of pupils who are enrolled in
19 the charter school.

20 3. The governing body of a charter school shall, during each
21 calendar quarter, hold at least one regularly scheduled public
22 meeting in the county in which the charter school is located.

23 4. As used in subsection 1, "teacher" means a person who:

24 (a) Holds a current license to teach issued pursuant to chapter
25 391 of NRS; and

26 (b) Has at least 2 years of experience as an employed
27 teacher.

28 The term does not include a person who is employed as a substitute
29 teacher.

30 **Sec. 17.** NRS 391.312 is hereby amended to read as follows:

31 391.312 1. A teacher may be suspended, dismissed or not
32 reemployed and an administrator may be demoted, suspended,
33 dismissed or not reemployed for the following reasons:

34 (a) Inefficiency;

35 (b) Immorality;

36 (c) Unprofessional conduct;

37 (d) Insubordination;

38 (e) Neglect of duty;

39 (f) Physical or mental incapacity;

40 (g) A justifiable decrease in the number of positions due to
41 decreased enrollment or district reorganization;

42 (h) Conviction of a felony *relating to the position of the teacher*
43 *or administrator* or of a crime involving moral turpitude;

44 (i) Inadequate performance;

45 (j) Evident unfitness for service;



- 1 (k) Failure to comply with such reasonable requirements as a
- 2 board may prescribe;
- 3 (l) Failure to show normal improvement and evidence of
- 4 professional training and growth;
- 5 (m) Advocating overthrow of the Government of the United
- 6 States or of the State of Nevada by force, violence or other unlawful
- 7 means, or the advocating or teaching of communism with the intent
- 8 to indoctrinate pupils to subscribe to communistic philosophy;
- 9 (n) Any cause which constitutes grounds for the revocation of a
- 10 teacher's license;
- 11 (o) Willful neglect or failure to observe and carry out the
- 12 requirements of this title;
- 13 (p) Dishonesty;
- 14 (q) Breaches in the security or confidentiality of the questions
- 15 and answers of the achievement and proficiency examinations that
- 16 are administered pursuant to NRS 389.015;
- 17 (r) Intentional failure to observe and carry out the requirements
- 18 of a plan to ensure the security of examinations adopted pursuant to
- 19 NRS 389.616 or 389.620; or
- 20 (s) An intentional violation of NRS 388.5265 or 388.527.
- 21 2. In determining whether the professional performance of a
- 22 licensed employee is inadequate, consideration must be given to the
- 23 regular and special evaluation reports prepared in accordance with
- 24 the policy of the employing school district and to any written
- 25 standards of performance which may have been adopted by the
- 26 board.
- 27 **Sec. 18.** NRS 391.314 is hereby amended to read as follows:
- 28 391.314 1. If a superintendent has reason to believe that
- 29 cause exists for the dismissal of a licensed employee and he is of the
- 30 opinion that the immediate suspension of the employee is necessary
- 31 in the best interests of the pupils in the district, the superintendent
- 32 may suspend the employee without notice and without a hearing.
- 33 Notwithstanding the provisions of NRS 391.312, a superintendent
- 34 may suspend a licensed employee who has been officially charged
- 35 but not yet convicted of a felony *relating to the position of the*
- 36 *licensed employee* or a crime involving moral turpitude or
- 37 immorality. If the charge is dismissed or if the employee is found
- 38 not guilty, he must be reinstated with back pay, plus interest, and
- 39 normal seniority. The superintendent shall notify the employee in
- 40 writing of the suspension.
- 41 2. Within 5 days after a suspension becomes effective, the
- 42 superintendent shall begin proceedings pursuant to the provisions of
- 43 NRS 391.312 to 391.3196, inclusive, to effect the employee's
- 44 dismissal. The employee is entitled to continue to receive his salary
- 45 and other benefits after the suspension becomes effective until the



1 date on which the dismissal proceedings are commenced. The
2 superintendent may recommend that an employee who has been
3 charged with a felony or a crime involving immorality be dismissed
4 for another ground set forth in NRS 391.312.

5 3. If sufficient grounds for dismissal do not exist, the employee
6 must be reinstated with full compensation, plus interest.

7 4. A licensed employee who furnishes to the school district a
8 bond or other security which is acceptable to the board as a
9 guarantee that he will repay any amounts paid to him pursuant to
10 this subsection as salary during a period of suspension is entitled to
11 continue to receive his salary from the date on which the dismissal
12 proceedings are commenced until the decision of the board or the
13 report of the hearing officer, if the report is final and binding. The
14 board shall not unreasonably refuse to accept security other than a
15 bond. An employee who receives salary pursuant to this subsection
16 shall repay it if he is dismissed or not reemployed as a result of a
17 decision of the board or a report of a hearing officer.

18 5. A licensed employee who is convicted of a crime which
19 requires registration pursuant to NRS 179D.200 to 179D.290,
20 inclusive, or 179D.350 to 179D.550, inclusive, or is convicted of an
21 act forbidden by NRS 200.508, 201.190 or 201.265 forfeits all rights
22 of employment from the date of his arrest.

23 6. A licensed employee who is convicted of ~~any crime~~ *a*
24 *felony relating to the position of the licensed employee* and who is
25 sentenced to and serves any sentence of imprisonment forfeits all
26 rights of employment from the date of his arrest or the date on
27 which his employment terminated, whichever is later.

28 7. A licensed employee who is charged with a felony *relating*
29 *to the position of a licensed employee* or a crime involving
30 immorality or moral turpitude and who waives his right to a speedy
31 trial while suspended may receive no more than 12 months of back
32 pay and seniority upon reinstatement if he is found not guilty or the
33 charges are dismissed, unless proceedings have been begun to
34 dismiss the employee upon one of the other grounds set forth in
35 NRS 391.312.

36 8. A superintendent may discipline a licensed employee by
37 suspending the employee with loss of pay at any time after a hearing
38 has been held which affords the due process provided for in this
39 chapter. The grounds for suspension are the same as the grounds
40 contained in NRS 391.312. An employee may be suspended more
41 than once during the employee's contract year, but the total number
42 of days of suspension may not exceed 20 in 1 contract year. Unless
43 circumstances require otherwise, the suspensions must be
44 progressively longer.



1 **Sec. 19.** NRS 391.330 is hereby amended to read as follows:
2 391.330 The State Board may suspend or revoke the license of
3 any teacher, administrator or other licensed employee, after notice
4 and an opportunity for hearing have been provided pursuant to NRS
5 391.322 and 391.323, for:

- 6 1. Immoral or unprofessional conduct.
- 7 2. Evident unfitness for service.
- 8 3. Physical or mental incapacity which renders the teacher,
9 administrator or other licensed employee unfit for service.
- 10 4. Conviction of a felony *relating to the position of the*
11 *teacher, administrator or other licensed employee* or *any* crime
12 involving moral turpitude.
- 13 5. Conviction of a sex offense under NRS 200.366, 200.368,
14 201.190, 201.220, 201.230 or 207.260 in which a pupil enrolled in a
15 school of a county school district was the victim.
- 16 6. Knowingly advocating the overthrow of the Federal
17 Government or of the State of Nevada by force, violence or
18 unlawful means.
- 19 7. Persistent defiance of or refusal to obey the regulations of
20 the State Board, the Commission or the Superintendent of Public
21 Instruction, defining and governing the duties of teachers,
22 administrators and other licensed employees.
- 23 8. Breaches in the security or confidentiality of the questions
24 and answers of the achievement and proficiency examinations that
25 are administered pursuant to NRS 389.015.
- 26 9. Intentional failure to observe and carry out the requirements
27 of a plan to ensure the security of examinations adopted pursuant to
28 NRS 389.616 or 389.620.
- 29 10. An intentional violation of NRS 388.5265 or 388.527.

30 **Sec. 20.** *NRS 398.460 is hereby amended to read as follows:*
31 398.460 1. Except as otherwise provided in subsection 2, the
32 Secretary of State shall issue a certificate of registration to a natural
33 person who complies with NRS 398.452 or whose application has
34 been accepted under NRS 398.456.

35 2. The Secretary of State may refuse to issue a certificate of
36 registration if he determines that the applicant has engaged in
37 conduct that has a significant adverse effect on his fitness to act as
38 an athlete's agent. In making this determination, the Secretary of
39 State may consider whether the applicant has:

- 40 (a) Been convicted of a crime that, if committed in this state,
41 would be a crime involving moral turpitude or a felony ~~+~~ *relating*
42 *to his fitness to act as an athlete's agent;*
- 43 (b) Made a materially false, misleading, deceptive or fraudulent
44 representation in his application or as an athlete's agent;



- 1 (c) Engaged in conduct that would disqualify him from serving
- 2 in a fiduciary capacity;
- 3 (d) Engaged in conduct prohibited by NRS 398.496;
- 4 (e) Had registration or licensure as an athlete's agent suspended,
- 5 revoked or denied, or been refused renewal of registration or
- 6 licensure as an athlete's agent, in any state;
- 7 (f) Engaged in conduct whose consequence was that a sanction,
- 8 suspension or declaration of ineligibility to participate in an
- 9 interscholastic or intercollegiate athletic event was imposed on a
- 10 student athlete or an institution; or
- 11 (g) Engaged in conduct that significantly adversely reflects on
- 12 his credibility, honesty or integrity.
- 13 3. In making a determination pursuant to subsection 2, the
- 14 Secretary of State shall consider:
- 15 (a) How recently the conduct occurred;
- 16 (b) The nature of the conduct and the context in which it
- 17 occurred; and
- 18 (c) Any other relevant conduct of the applicant.
- 19 **Sec. 21.** NRS 463.335 is hereby amended to read as follows:
- 20 463.335 1. The Legislature finds that, to protect and promote
- 21 the health, safety, morals, good order and general welfare of the
- 22 inhabitants of the State of Nevada and to carry out the policy
- 23 declared in NRS 463.0129, it is necessary that the Board:
- 24 (a) Ascertain and keep itself informed of the identity, prior
- 25 activities and present location of all gaming employees and
- 26 independent agents in the State of Nevada; and
- 27 (b) Maintain confidential records of such information.
- 28 2. Except as otherwise provided in subsection 3, a person may
- 29 not be employed as a gaming employee or serve as an independent
- 30 agent unless he is the holder of a valid work permit to work as a
- 31 gaming employee issued pursuant to this section. A work permit to
- 32 work as a gaming employee may be issued by the Board or by a
- 33 county or city licensing authority. An applicant for a work permit
- 34 shall file his application for a work permit with the licensing
- 35 authority of the city in which he resides if that city requires a work
- 36 permit. If the city in which he resides does not require such a permit,
- 37 the applicant shall file his application with the licensing authority of
- 38 the county in which he resides if that county requires a work permit.
- 39 If the county in which he resides does not require such a permit, the
- 40 applicant shall file his application with the Board. The Board shall,
- 41 by regulation, prescribe the form for an application for a work
- 42 permit to work as a gaming employee. The fee for such a permit
- 43 may be charged only to cover the actual investigative and
- 44 administrative costs related to processing an application for such a
- 45 permit and must not exceed \$75.



1 3. An independent agent is not required to hold a work permit
2 if he is not a resident of this state and has registered with the Board
3 in accordance with the provisions of the regulations adopted by the
4 Commission.

5 4. Upon receipt of an application for a work permit to work as
6 a gaming employee, the Board or licensing authority shall conduct
7 an investigation of the applicant to determine whether he is eligible
8 for the permit. In conducting the investigation, the Board or
9 licensing authority shall forward a complete set of the applicant's
10 fingerprints to the Central Repository for Nevada Records of
11 Criminal History for submission to the Federal Bureau of
12 Investigation for a report concerning the criminal history of the
13 applicant. The investigation need not be limited solely to
14 consideration of the results of the report concerning the criminal
15 history of the applicant.

16 5. A work permit issued to a gaming employee or an
17 independent agent must have clearly imprinted thereon a statement
18 that it is valid for gaming purposes only.

19 6. Unless denied or objected to by the Board at the time that
20 the permittee filed a notice of a change in his place of employment
21 pursuant to subsection 8 and unless suspended or revoked, such a
22 permit expires on the fifth anniversary of the permittee's birthday,
23 measured from the birthday nearest the date of issuance or renewal.
24 If the date of birth of a permittee is on February 29 in a leap year,
25 for the purposes of this section, his date of birth shall be deemed to
26 be on February 28.

27 7. Whenever any person applies to a county or city licensing
28 authority for the issuance or renewal of a work permit, the county or
29 city officer or employee to whom the application is made shall
30 within 24 hours mail or deliver a copy thereof to the Board, and may
31 at the discretion of the county or city licensing authority issue a
32 temporary work permit that is valid for 120 days. If within 120 days
33 after receipt by the Board of the copy of the application, the Board
34 has not notified the county or city licensing authority of any
35 objection, the authority may issue, renew or deny a permanent work
36 permit to the applicant.

37 8. A gaming employee who is issued a work permit is eligible
38 for employment in any licensed gaming establishment in this state
39 until the work permit is denied or objected to by the Board, expires
40 or is revoked. However, each such employee shall notify the Board
41 within 10 days following any change of his place of employment at
42 a gaming establishment. Such a notification shall be deemed an
43 application for a work permit that the Board may deny or object to
44 after conducting any investigations the Board deems appropriate.



1 The provisions of subsections 9 to 16, inclusive, apply to any such
2 objection of the Board. The Commission shall adopt regulations to:
3 (a) Facilitate uniform procedures for the issuance of work
4 permits by counties and cities;
5 (b) Establish uniform criteria for denial by a county or city
6 licensing authority of an application for a work permit; and
7 (c) Provide for the creation and maintenance of a system of
8 records that contain information regarding the current place of
9 employment of each person who possesses a valid work permit.
10 9. If the Board, within the 120-day period, notifies:
11 (a) The county or city licensing authority; and
12 (b) The applicant,
13 that the Board objects to the granting of a work permit to the
14 applicant, the authority shall deny the work permit and shall
15 immediately revoke and repossess any temporary work permit
16 which it may have issued. The notice of objection by the Board
17 which is sent to the applicant must include a statement of the facts
18 upon which the Board relied in making its objection.
19 10. Whenever an application for a work permit is made to the
20 Board and the Board denies such an application, it shall include in
21 its notice of the denial a statement of the facts upon which it relied
22 in denying the application.
23 11. Any person whose application for a work permit has been
24 denied because of an objection by the Board or whose application
25 has been denied by the Board may, not later than 60 days after
26 receiving notice of the denial or objection, apply to the Board for a
27 hearing. A failure of a person whose application has been denied to
28 apply for a hearing within 60 days or his failure to appear at a
29 hearing of the Board conducted pursuant to this section shall be
30 deemed to be an admission that the denial or objection is well-
31 founded, and the failure precludes administrative or judicial review.
32 At the hearing, the Board shall take any testimony deemed
33 necessary. After the hearing, the Board shall review the testimony
34 taken and any other evidence, and shall within 45 days after the date
35 of the hearing mail to the applicant its decision sustaining or
36 reversing the denial of the work permit or the objection to the
37 issuance of a work permit.
38 12. The Board may object to the issuance of a work permit or
39 may refuse to issue a work permit for any cause deemed reasonable
40 by the Board. The Board may object or refuse if the applicant has:
41 (a) Failed to disclose or misstated information or otherwise
42 attempted to mislead the Board with respect to any material fact
43 contained in the application for the issuance or renewal of a work
44 permit;



1 (b) Knowingly failed to comply with the provisions of this
2 chapter or chapter 463B, 464 or 465 of NRS or the regulations of
3 the Commission at a place of previous employment;

4 (c) Committed, attempted or conspired to commit any crime of
5 moral turpitude, embezzlement or larceny or any violation of any
6 law pertaining to gaming, or any crime which is inimical to the
7 declared policy of this state concerning gaming;

8 ~~(d) [Committed, attempted or conspired to commit a crime~~
9 ~~which is a felony or gross misdemeanor in this state or an offense in~~
10 ~~another state or jurisdiction which would be a felony or gross~~
11 ~~misdemeanor if committed in this state;~~

12 ~~—(e)]~~ Been identified in the published reports of any federal or
13 state legislative or executive body as being a member or associate of
14 organized crime, or as being of notorious and unsavory reputation;

15 ~~[(e)]~~ (e) Been placed and remains in the constructive custody of
16 any federal, state or municipal law enforcement authority; or

17 ~~[(e)]~~ (f) Had a work permit revoked or committed any act
18 which is a ground for the revocation of a work permit or would have
19 been a ground for revoking his work permit if he had then held a
20 work permit.

21 If the Board issues or does not object to the issuance of a work
22 permit to an applicant, it may specially limit the period for which
23 the permit is valid, limit the job classifications for which the holder
24 of the permit may be employed and establish such individual
25 conditions for the issuance, renewal and effectiveness of the permit
26 as the Board deems appropriate, including required submission to
27 unscheduled tests for the presence of alcohol or controlled
28 substances.

29 13. Any applicant aggrieved by the decision of the Board may,
30 within 15 days after the announcement of the decision, apply in
31 writing to the Commission for review of the decision. Review is
32 limited to the record of the proceedings before the Board. The
33 Commission may sustain, modify or reverse the Board's decision.
34 The decision of the Commission is subject to judicial review
35 pursuant to NRS 463.315 to 463.318, inclusive.

36 14. Except as otherwise provided in this subsection, all records
37 acquired or compiled by the Board or Commission relating to any
38 application made pursuant to this section and all lists of persons to
39 whom work permits have been issued or denied and all records of
40 the names or identity of persons engaged in the gaming industry in
41 this state are confidential and must not be disclosed except in the
42 proper administration of this chapter or to an authorized law
43 enforcement agency. Upon receipt of a request from the Welfare
44 Division of the Department of Human Resources pursuant to NRS
45 425.400 for information relating to a specific person who has



1 applied for or holds a work permit, the Board shall disclose to the
2 Division his social security number, residential address and current
3 employer as that information is listed in the files and records of the
4 Board. Any record of the Board or Commission which shows that
5 the applicant has been convicted of a crime in another state must
6 show whether the crime was a misdemeanor, gross misdemeanor ~~or~~
7 *or felony described in paragraph (c) of subsection 12*, or other
8 class of crime as classified by the state in which the crime was
9 committed. In a disclosure of the conviction, reference to the
10 classification of the crime must be based on the classification in the
11 state where it was committed.

12 15. The Chairman of the Board may designate a member of the
13 Board or the Board may appoint a hearing examiner and authorize
14 that person to perform on behalf of the Board any of the following
15 functions required of the Board by this section concerning work
16 permits:

- 17 (a) Conducting a hearing and taking testimony;
- 18 (b) Reviewing the testimony and evidence presented at the
19 hearing;
- 20 (c) Making a recommendation to the Board based upon the
21 testimony and evidence or rendering a decision on behalf of
22 the Board to sustain or reverse the denial of a work permit or the
23 objection to the issuance or renewal of a work permit; and
- 24 (d) Notifying the applicant of the decision.

25 16. Notice by the Board as provided pursuant to this section is
26 sufficient if it is mailed to the applicant's last known address as
27 indicated on the application for a work permit, or the record of the
28 hearing, as the case may be. The date of mailing may be proven by a
29 certificate signed by an officer or employee of the Board which
30 specifies the time the notice was mailed. The notice shall be deemed
31 to have been received by the applicant 5 days after it is deposited
32 with the United States Postal Service with the postage thereon
33 prepaid.

34 **Sec. 22.** NRS 489.421 is hereby amended to read as follows:

35 489.421 The following grounds, among others, constitute
36 grounds for disciplinary action under NRS 489.381:

- 37 1. Revocation or denial of a license issued pursuant to this
38 chapter or an equivalent license in any other state, territory or
39 country.
- 40 2. Failure of the licensee to maintain any other license required
41 by any political subdivision of this state.
- 42 3. Failure to respond to a notice served by the Division as
43 provided by law within the time specified in the notice.
- 44 4. Failure to take the corrective action required in a notice of
45 violation issued pursuant to NRS 489.291.



- 1 5. Failure or refusing to permit access by the Administrator to
2 documentary materials set forth in NRS 489.231.
- 3 6. Disregarding or violating any order of the Administrator,
4 any agreement with the Division, or any provision of this chapter or
5 any regulation adopted under it.
- 6 7. Conviction of a misdemeanor for violation of any of the
7 provisions of this chapter.
- 8 8. Conviction of or entering a plea of guilty, guilty but
9 mentally ill or nolo contendere to [a] :
- 10 (a) A felony *relating to the position for which the applicant*
11 *has applied or the licensee has been licensed pursuant to this*
12 *chapter*; or [a]
- 13 (b) A crime of moral turpitude in this state or any other state,
14 territory or country.
- 15 9. Any other conduct that constitutes deceitful, fraudulent or
16 dishonest dealing.
- 17 **Sec. 23.** NRS 611.045 is hereby amended to read as follows:
18 611.045 1. The Labor Commissioner may issue a license to an
19 applicant for the conduct of an employment agency:
- 20 (a) After making an investigation of the applicant and finding
21 that he is of good moral character and has not been convicted of a
22 felony *relating to the conduct of an employment agency* or any
23 offense involving moral turpitude;
- 24 (b) After making an investigation of the premises where the
25 proposed employment agency will be conducted and finding that the
26 premises are suitable for the purpose;
- 27 (c) Upon determining that the applicant is a resident of this
28 state; and
- 29 (d) Upon the applicant's payment of the licensing fee prescribed
30 in NRS 611.060.
- 31 2. The Labor Commissioner shall complete his investigation of
32 the applicant within 60 days after such applicant has submitted his
33 application.
- 34 3. A license to conduct an employment agency is valid only as
35 to the person and place named in the license and is effective from
36 the date specified therein to and including the next following
37 December 31, unless sooner suspended or revoked.
- 38 4. Annually at least 15 days prior to the expiration date of the
39 license, the licensee must apply for renewal in the manner
40 prescribed by regulation of the Labor Commissioner. Pending
41 administrative action on a renewal application, the license may be
42 continued in effect for a period not to exceed 60 days beyond the
43 expiration date of the license.



1 **Sec. 24.** NRS 623A.065 is hereby amended to read as follows:
2 623A.065 For the purposes of this chapter, a person has good
3 moral character if he:

4 1. ~~Has not been convicted of a class A felony;~~
5 ~~—2.]~~ Has not been convicted of a felony, ~~other than a class A~~
6 ~~felony or a~~ misdemeanor or gross misdemeanor that is directly
7 related to the practice of landscape architecture;

8 ~~3.]~~ 2. Has not committed an act involving dishonesty, fraud,
9 misrepresentation, breach of a fiduciary duty, gross negligence or
10 incompetence while engaged in the practice of landscape
11 architecture;

12 ~~4.]~~ 3. Is not incarcerated in a jail or prison at the time of
13 submitting an application for a certificate of registration or a
14 certificate to practice as a landscape architect intern;

15 ~~5.]~~ 4. Has not committed fraud or misrepresentation in
16 connection with:

17 (a) The submission of an application for a certificate of
18 registration or certificate to practice as a landscape architect intern;
19 or

20 (b) The taking of one or more examinations pursuant to the
21 provisions of this chapter;

22 ~~6.]~~ 5. Has not had his certificate of registration suspended or
23 revoked by the Board or in any other state or country;

24 ~~7.]~~ 6. Has not, in lieu of receiving disciplinary action against
25 him, surrendered a certificate of registration or certificate to practice
26 as a landscape architect intern in this state or a certificate or license
27 to practice landscape architecture issued in another state or country;

28 ~~8.]~~ 7. Has not engaged in the practice of landscape
29 architecture in this state or in any other state or country without a
30 license or certificate of registration or certificate to practice as a
31 landscape architect intern within the 2 years immediately preceding
32 the filing of an application for a certificate of registration or
33 certificate to practice as a landscape architect intern pursuant to the
34 provisions of this chapter; or

35 ~~9.]~~ 8. Has not, within the 5 years immediately preceding the
36 filing of an application specified in subsection ~~8.]~~ 7, engaged in
37 unprofessional conduct in violation of the regulations adopted by the
38 Board.

39 **Sec. 25.** NRS 623A.280 is hereby amended to read as follows:
40 623A.280 1. The following acts, among others, constitute
41 cause for disciplinary action if proof satisfactory to the Board is
42 presented that:

43 (a) A holder of a certificate of registration has signed or sealed
44 instruments of service which were not prepared by him or under his
45 direct supervision.



- 1 (b) A holder of a certificate of registration has permitted the use
2 of his signature or seal by another person to evade the provisions of
3 this chapter or any regulation adopted by the Board.
- 4 (c) A holder of a certificate of registration has not signed, sealed
5 or dated instruments of service prepared by him.
- 6 (d) A holder of a certificate of registration or certificate to
7 practice as a landscape architect intern impersonates a landscape
8 architect or landscape architect intern of the same or similar name.
- 9 (e) A holder of a certificate of registration or certificate to
10 practice as a landscape architect intern practices under an assumed,
11 fictitious or corporate name.
- 12 (f) A holder of a certificate of registration or certificate to
13 practice as a landscape architect intern practices landscape
14 architecture in violation of the provisions of this chapter or any
15 regulation adopted by the Board.
- 16 (g) A holder of a certificate of registration or certificate to
17 practice as a landscape architect intern has obtained his certificate of
18 registration or certificate to practice as a landscape architect intern
19 by fraud or misrepresentation.
- 20 (h) A holder of a certificate of registration or certificate to
21 practice as a landscape architect intern is guilty of fraud or deceit in
22 the practice of landscape architecture.
- 23 (i) A holder of a certificate of registration or certificate to
24 practice as a landscape architect intern is guilty of incompetency,
25 negligence or gross negligence.
- 26 (j) A holder of a certificate of registration or certificate to
27 practice as a landscape architect intern is convicted of, or enters a
28 plea of nolo contendere to ~~f~~:
29 ~~(1) Any felony; or~~
30 ~~(2) Any~~ *any* crime, an essential element of which is
31 dishonesty, or which is directly related to the practice of landscape
32 architecture.
- 33 (k) A holder of a certificate of registration or certificate to
34 practice as a landscape architect intern is guilty of aiding or abetting
35 any person in the violation of the provisions of this chapter or any
36 regulation adopted by the Board.
- 37 (l) A person practices as a landscape architect with a certificate
38 of registration or certificate to practice as a landscape architect
39 intern that has expired or has been suspended or revoked.
- 40 (m) A holder of a certificate of registration or certificate to
41 practice as a landscape architect intern is disciplined by an agency
42 of another state or foreign country which regulates the practice of
43 landscape architecture and at least one of the grounds for the
44 disciplinary action taken is a ground for disciplinary action pursuant
45 to the provisions of this chapter.



1 (n) A holder of a certificate of registration or certificate to
2 practice as a landscape architect intern fails to comply with an order
3 issued by the Board or to cooperate in an investigation conducted by
4 the Board.

5 2. As used in this section:

6 (a) "Gross negligence" means conduct that demonstrates a
7 reckless disregard of the consequences affecting the life or property
8 of another person.

9 (b) "Incompetency" means conduct that, in the practice of
10 landscape architecture, demonstrates a significant lack of ability,
11 knowledge or fitness to discharge a professional obligation.

12 (c) "Negligence" means a deviation from the normal standard of
13 professional care exercised generally by other members in the
14 practice of landscape architecture.

15 **Sec. 26.** NRS 624.3016 is hereby amended to read as follows:

16 624.3016 The following acts or omissions, among others,
17 constitute cause for disciplinary action under NRS 624.300:

18 1. Any fraudulent or deceitful act committed in the capacity of
19 a contractor.

20 2. A conviction of a violation of NRS 624.730, ~~or~~ a felony
21 *relating to the practice of a contractor* or a crime involving moral
22 turpitude.

23 3. Knowingly making a false statement in or relating to the
24 recording of a notice of lien pursuant to the provisions of
25 NRS 108.226.

26 4. Failure to give a notice required by NRS 108.245 or
27 108.246.

28 5. Failure to comply with NRS 597.713, 597.716 or 597.719 or
29 any regulations of the Board governing contracts for the
30 construction of residential pools and spas.

31 6. Failure to comply with NRS 624.600.

32 7. Misrepresentation or the omission of a material fact, or the
33 commission of any other fraudulent or deceitful act, to obtain a
34 license.

35 8. Failure to pay an assessment required pursuant to
36 NRS 624.470.

37 **Sec. 27.** NRS 625.410 is hereby amended to read as follows:

38 625.410 The Board may take disciplinary action against a
39 licensee, an applicant for licensure, an intern or an applicant for
40 certification as an intern for:

41 1. The practice of any fraud or deceit in obtaining or
42 attempting to obtain or renew a license or cheating on any
43 examination required by this chapter.



- 1 2. Any gross negligence, incompetency or misconduct in the
2 practice of professional engineering as a professional engineer or in
3 the practice of land surveying as a professional land surveyor.
- 4 3. Aiding or abetting any person in the violation of any
5 provision of this chapter or regulation adopted by the Board.
- 6 4. Conviction of or entry of a plea of nolo contendere to ~~+~~
7 ~~—(a) Any felony; or~~
8 ~~—(b) Any] any~~ crime, an essential element of which is dishonesty,
9 or which is directly related to the practice of engineering or land
10 surveying.
- 11 5. A violation of any provision of this chapter or regulation
12 adopted by the Board.
- 13 6. Discipline by another state or territory, the District of
14 Columbia, a foreign country, the Federal Government or any other
15 governmental agency, if at least one of the grounds for discipline is
16 the same or substantially equivalent to any ground contained in this
17 chapter.
- 18 7. Practicing after the license of the professional engineer or
19 professional land surveyor has expired or has been suspended or
20 revoked.
- 21 8. Failing to comply with an order issued by the Board.
- 22 9. Failing to provide requested information within 30 days after
23 receipt of a request by the Board or its investigators concerning a
24 complaint made to the Board.
- 25 **Sec. 28.** NRS 625A.160 is hereby amended to read as follows:
26 625A.160 The grounds for initiating disciplinary action under
27 this chapter are:
- 28 1. Unprofessional conduct;
- 29 2. Conviction of a felony *relating to the practice of an*
30 *environmental health specialist* or any offense involving moral
31 turpitude;
- 32 3. The suspension or revocation of a certificate or license as an
33 environmental health specialist by any other jurisdiction; or
- 34 4. Failure to meet the requirements for continuing education.
- 35 **Sec. 29.** NRS 628.190 is hereby amended to read as follows:
36 628.190 1. Except as otherwise provided in this section and
37 NRS 628.310, a certificate of certified public accountant must be
38 granted by the Board to any person who:
- 39 (a) Is a resident of this state or, if not a resident, has designated
40 to the Board an agent who is a resident for notification and service
41 of process;
- 42 (b) Is a person who is without any history of acts involving
43 dishonesty or moral turpitude;
- 44 (c) Complies with the requirements of education and experience
45 as provided in NRS 628.200;



1 (d) Has submitted to the Board a complete set of his fingerprints
2 and written permission authorizing the Board to forward the
3 fingerprints to the Central Repository for Nevada Records of
4 Criminal History for submission to the Federal Bureau of
5 Investigation for its report; and

6 (e) Has passed the examination prescribed by the Board.

7 2. The Board may refuse to grant a certificate of certified
8 public accountant to an applicant if he has been convicted of a
9 felony *relating to the practice of a certified public accountant*
10 under the laws of any state or of the United States.

11 3. The Board may issue a provisional certificate to an applicant
12 until the Board receives the report from the Federal Bureau of
13 Investigation.

14 **Sec. 30.** NRS 628.390 is hereby amended to read as follows:

15 628.390 1. After giving notice and conducting a hearing, the
16 Board may revoke, or may suspend for a period of not more than 5
17 years, any certificate issued under NRS 628.190 to 628.310,
18 inclusive, any registration or license granted to a registered public
19 accountant under NRS 628.350, or any registration of a partnership,
20 corporation, limited-liability company or office, or may revoke,
21 suspend or refuse to renew any permit issued under NRS 628.380,
22 or may censure the holder of any permit, for any one or any
23 combination of the following causes:

24 (a) Fraud or deceit in obtaining a certificate as a certified public
25 accountant, or in obtaining registration or a license as a public
26 accountant under this chapter, or in obtaining a permit to practice
27 public accounting under this chapter.

28 (b) Dishonesty, fraud or gross negligence by a certified or
29 registered public accountant in the practice of public accounting or,
30 if not in the practice of public accounting, of a kind which adversely
31 affects the ability to perform public accounting.

32 (c) Violation of any of the provisions of this chapter.

33 (d) Violation of a regulation or rule of professional conduct
34 adopted by the Board under the authority granted by this chapter.

35 (e) Conviction of a felony under the laws of any state or of the
36 United States ~~H~~ *relating to the practice of public accounting.*

37 (f) Conviction of any crime, an element of which is dishonesty
38 or fraud, under the laws of any state or of the United States.

39 (g) Cancellation, revocation, suspension or refusal to renew
40 authority to practice as a certified public accountant or a registered
41 public accountant by any other state, for any cause other than failure
42 to pay an annual registration fee or to comply with requirements for
43 continuing education or review of his practice in the other state.

44 (h) Suspension or revocation of the right to practice before any
45 state or federal agency.



- 1 (i) Unless the person has been placed on inactive or retired
2 status, failure to obtain an annual permit under NRS 628.380,
3 within:
 - 4 (1) Sixty days after the expiration date of the permit to
5 practice last obtained or renewed by the holder of a certificate or
6 registrant; or
 - 7 (2) Sixty days after the date upon which the holder of a
8 certificate or registrant was granted his certificate or registration, if
9 no permit was ever issued to him, unless the failure has been
10 excused by the Board.
- 11 (j) Conduct discreditable to the profession of public accounting
12 or which reflects adversely upon the fitness of the person to engage
13 in the practice of public accounting.
- 14 (k) Making a false or misleading statement in support of an
15 application for a certificate, registration or permit of another person.
 - 16 2. After giving notice and conducting a hearing, the Board may
17 deny an application to take the examination prescribed by the Board
18 pursuant to NRS 628.190, deny a person admission to such an
19 examination, invalidate a grade received for such an examination or
20 deny an application for a certificate issued pursuant to NRS 628.190
21 to 628.310, inclusive, to a person who has:
 - 22 (a) Made any false or fraudulent statement, or any misleading
23 statement or omission relating to a material fact in an application:
 - 24 (1) To take the examination prescribed by the Board pursuant
25 to NRS 628.190; or
 - 26 (2) For a certificate issued pursuant to NRS 628.190 to
27 628.310, inclusive;
 - 28 (b) Cheated on an examination prescribed by the Board pursuant
29 to NRS 628.190 or any such examination taken in another state or
30 jurisdiction of the United States;
 - 31 (c) Aided, abetted or conspired with any person in a violation of
32 the provisions of paragraph (a) or (b); or
 - 33 (d) Committed any combination of the acts set forth in
34 paragraphs (a), (b) and (c).
 - 35 3. In addition to other penalties prescribed by this section, the
36 Board may impose a civil penalty of not more than \$5,000 for each
37 violation of this section. The Board may recover:
 - 38 (a) Attorney's fees and costs incurred with respect to a hearing
39 held pursuant to this section from a person who is found in violation
40 of any of the provisions of this section;
 - 41 (b) Attorney's fees and costs incurred in the recovery of a civil
42 penalty imposed pursuant to this section; and
 - 43 (c) Any other costs incurred by the Board as a result of such a
44 violation.



1 **Sec. 31.** NRS 630.301 is hereby amended to read as follows:
2 630.301 The following acts, among others, constitute grounds
3 for initiating disciplinary action or denying licensure:
4 1. Conviction of ~~{a-felony,}~~ any offense involving moral
5 turpitude or any offense relating to the practice of medicine or the
6 ability to practice medicine. A plea of nolo contendere is a
7 conviction for the purposes of this subsection.
8 2. Conviction of violating any of the provisions of NRS
9 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350
10 to 616D.440, inclusive.
11 3. The revocation, suspension, modification or limitation of the
12 license to practice any type of medicine by any other jurisdiction or
13 the surrender of the license or discontinuing the practice of medicine
14 while under investigation by any licensing authority, a medical
15 facility, a branch of the Armed Services of the United States, an
16 insurance company, an agency of the Federal Government or an
17 employer.
18 4. Malpractice, which may be evidenced by claims settled
19 against a practitioner.
20 5. The engaging by a practitioner in any sexual activity with a
21 patient who is currently being treated by the practitioner.
22 6. Disruptive behavior with physicians, hospital personnel,
23 patients, members of the families of patients or any other persons if
24 the behavior interferes with patient care or has an adverse impact on
25 the quality of care rendered to a patient.
26 7. The engaging in conduct that violates the trust of a patient
27 and exploits the relationship between the physician and the patient
28 for financial or other personal gain.
29 8. The failure to offer appropriate procedures or studies, to
30 protest inappropriate denials by organizations for managed care, to
31 provide necessary services or to refer a patient to an appropriate
32 provider, when such a failure occurs with the intent of positively
33 influencing the financial well-being of the practitioner or an insurer.
34 9. The engaging in conduct that brings the medical profession
35 into disrepute, including, without limitation, conduct that violates
36 any provision of a national code of ethics adopted by the Board by
37 regulation.
38 10. The engaging in sexual contact with the surrogate of a
39 patient or other key persons related to a patient, including, without
40 limitation, a spouse, parent or legal guardian, which exploits the
41 relationship between the physician and the patient in a sexual
42 manner.



1 **Sec. 32.** NRS 630A.340 is hereby amended to read as follows:
2 630A.340 The following acts, among others, constitute
3 grounds for initiating disciplinary action or denying the issuance of
4 a license:

- 5 1. Unprofessional conduct.
- 6 2. Conviction of:
 - 7 (a) A violation of any federal or state law regulating the
 - 8 possession, distribution or use of any controlled substance or any
 - 9 dangerous drug as defined in chapter 454 of NRS;

10 (b) ~~A felony;~~
11 ~~(c)~~ A violation of any of the provisions of NRS 616D.200,
12 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to
13 616D.440, inclusive;

14 ~~(d)~~ (c) Any offense involving moral turpitude; or
15 ~~(e)~~ (d) Any offense relating to the practice of homeopathic
16 medicine or the ability to practice homeopathic medicine.

17 A plea of nolo contendere to any offense listed in ~~paragraph (a),~~
18 ~~(b), (c), (d) or (e)~~ *this subsection* shall be deemed a conviction.

19 3. The suspension, modification or limitation of a license to
20 practice any type of medicine by any other jurisdiction.

21 4. The surrender of a license to practice any type of medicine
22 or the discontinuance of the practice of medicine while under
23 investigation by any licensing authority, medical facility, facility for
24 the dependent, branch of the Armed Forces of the United States,
25 insurance company, agency of the Federal Government or employer.

26 5. Gross or repeated malpractice, which may be evidenced by
27 claims of malpractice settled against a practitioner.

28 6. Professional incompetence.

29 **Sec. 33.** NRS 632.320 is hereby amended to read as follows:
30 632.320 The Board may deny, revoke or suspend any license
31 or certificate applied for or issued pursuant to this chapter, or take
32 other disciplinary action against a licensee or holder of a certificate,
33 upon determining that he:

34 1. Is guilty of fraud or deceit in procuring or attempting to
35 procure a license or certificate pursuant to this chapter.

36 2. Is guilty of ~~a felony or~~ any offense:

37 (a) Involving moral turpitude; or

38 (b) Related to the qualifications, functions or duties of a licensee
39 or holder of a certificate,
40 in which case the record of conviction is conclusive evidence
41 thereof.

42 3. Has been convicted of violating any of the provisions of
43 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
44 inclusive.



- 1 4. Is unfit or incompetent by reason of gross negligence or
2 recklessness in carrying out usual nursing functions.
- 3 5. Uses any controlled substance, dangerous drug as defined in
4 chapter 454 of NRS, or intoxicating liquor to an extent or in a
5 manner which is dangerous or injurious to any other person or
6 which impairs his ability to conduct the practice authorized by his
7 license or certificate.
- 8 6. Is mentally incompetent.
- 9 7. Is guilty of unprofessional conduct, which includes, but is
10 not limited to, the following:
 - 11 (a) Conviction of practicing medicine without a license in
12 violation of chapter 630 of NRS, in which case the record of
13 conviction is conclusive evidence thereof.
 - 14 (b) Impersonating any applicant or acting as proxy for an
15 applicant in any examination required pursuant to this chapter for
16 the issuance of a license or certificate.
 - 17 (c) Impersonating another licensed practitioner or holder of a
18 certificate.
 - 19 (d) Permitting or allowing another person to use his license or
20 certificate to practice as a licensed practical nurse, registered nurse
21 or nursing assistant.
 - 22 (e) Repeated malpractice, which may be evidenced by claims of
23 malpractice settled against him.
 - 24 (f) Physical, verbal or psychological abuse of a patient.
 - 25 (g) Conviction for the use or unlawful possession of a controlled
26 substance or dangerous drug as defined in chapter 454 of NRS.
- 27 8. Has willfully or repeatedly violated the provisions of this
28 chapter. The voluntary surrender of a license or certificate issued
29 pursuant to this chapter is prima facie evidence that the licensee or
30 certificate holder has committed or expects to commit a violation of
31 this chapter.
- 32 9. Is guilty of aiding or abetting any person in a violation of
33 this chapter.
- 34 10. Has falsified an entry on a patient's medical chart
35 concerning a controlled substance.
- 36 11. Has falsified information which was given to a physician,
37 pharmacist, podiatric physician or dentist to obtain a controlled
38 substance.
- 39 12. Has been disciplined in another state in connection with a
40 license to practice nursing or a certificate to practice as a nursing
41 assistant or has committed an act in another state which would
42 constitute a violation of this chapter.
- 43 13. Has engaged in conduct likely to deceive, defraud or
44 endanger a patient or the general public.



1 14. Has willfully failed to comply with a regulation, subpoena
2 or order of the Board.

3 For the purposes of this section, a plea or verdict of guilty or guilty
4 but mentally ill or a plea of nolo contendere constitutes a conviction
5 of an offense. The Board may take disciplinary action pending the
6 appeal of a conviction.

7 **Sec. 34.** NRS 633.511 is hereby amended to read as follows:

8 633.511 The grounds for initiating disciplinary action pursuant
9 to this chapter are:

10 1. Unprofessional conduct.

11 2. Conviction of:

12 (a) A violation of any federal or state law regulating the
13 possession, distribution or use of any controlled substance or any
14 dangerous drug as defined in chapter 454 of NRS;

15 (b) A felony ~~is~~ *relating to the practice of osteopathic*
16 *medicine;*

17 (c) A violation of any of the provisions of NRS 616D.200,
18 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

19 (d) Any offense involving moral turpitude.

20 3. The suspension of the license to practice osteopathic
21 medicine by any other jurisdiction.

22 4. Gross or repeated malpractice, which may be evidenced by
23 claims of malpractice settled against a practitioner.

24 5. Professional incompetence.

25 6. Failure to comply with the requirements of NRS 633.526.

26 **Sec. 35.** NRS 634.140 is hereby amended to read as follows:

27 634.140 The grounds for initiating disciplinary action pursuant
28 to this chapter are:

29 1. Unprofessional conduct.

30 2. Conviction of:

31 (a) A violation of any federal or state law regulating the
32 possession, distribution or use of any controlled substance or any
33 dangerous drug as defined in chapter 454 of NRS;

34 (b) A felony ~~is~~ *relating to the practice of chiropractic;*

35 (c) A violation of any of the provisions of NRS 616D.200,
36 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

37 (d) Any offense involving moral turpitude.

38 3. Suspension or revocation of the license to practice
39 chiropractic by any other jurisdiction.

40 4. Gross or repeated malpractice.

41 5. Referring, in violation of NRS 439B.425, a patient to a
42 health facility, medical laboratory or commercial establishment in
43 which the licensee has a financial interest.



1 **Sec. 36.** NRS 634A.170 is hereby amended to read as follows:
2 634A.170 The Board may refuse to issue or may suspend or
3 revoke any license for any one or any combination of the following
4 causes:
5 1. Conviction of:
6 (a) A felony ~~relating to the practice of Oriental medicine;~~
7 (b) Any offense involving moral turpitude;
8 (c) A violation of any state or federal law regulating the
9 possession, distribution or use of any controlled substance, as shown
10 by a certified copy of the record of the court; or
11 (d) A violation of any of the provisions of NRS 616D.200,
12 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
13 2. The obtaining of or any attempt to obtain a license or
14 practice in the profession for money or any other thing of value, by
15 fraudulent misrepresentations;
16 3. Gross or repeated malpractice, which may be evidenced by
17 claims of malpractice settled against a practitioner;
18 4. Advertising by means of a knowingly false or deceptive
19 statement;
20 5. Advertising, practicing or attempting to practice under a
21 name other than one's own;
22 6. Habitual drunkenness or habitual addiction to the use of a
23 controlled substance;
24 7. Using any false, fraudulent or forged statement or document,
25 or engaging in any fraudulent, deceitful, dishonest or immoral
26 practice in connection with the licensing requirements of this
27 chapter;
28 8. Sustaining a physical or mental disability which renders
29 further practice dangerous;
30 9. Engaging in any dishonorable, unethical or unprofessional
31 conduct which may deceive, defraud or harm the public, or which is
32 unbecoming a person licensed to practice under this chapter;
33 10. Using any false or fraudulent statement in connection with
34 the practice of Oriental medicine or any branch thereof;
35 11. Violating or attempting to violate, or assisting or abetting
36 the violation of, or conspiring to violate any provision of this
37 chapter;
38 12. Being adjudicated incompetent or insane;
39 13. Advertising in an unethical or unprofessional manner;
40 14. Obtaining a fee or financial benefit for any person by the
41 use of fraudulent diagnosis, therapy or treatment;
42 15. Willful disclosure of a privileged communication;
43 16. Failure of a licensee to designate the nature of his practice
44 in the professional use of his name by the term doctor of Oriental
45 medicine;



1 17. Willful violation of the law relating to the health, safety or
2 welfare of the public or of the regulations adopted by the State
3 Board of Health;

4 18. Administering, dispensing or prescribing any controlled
5 substance, except for the prevention, alleviation or cure of disease or
6 for relief from suffering; and

7 19. Performing, assisting or advising in the injection of any
8 liquid silicone substance into the human body.

9 **Sec. 37.** NRS 636.295 is hereby amended to read as follows:

10 636.295 The following acts, conduct, omissions, or mental or
11 physical conditions, or any of them, committed, engaged in,
12 omitted, or being suffered by a licensee, constitute sufficient cause
13 for disciplinary action:

14 1. Affliction of the licensee with any communicable disease
15 likely to be communicated to other persons.

16 2. Commission by the licensee of a felony *relating to the*
17 *practice of optometry* or a gross misdemeanor involving moral
18 turpitude of which he has been convicted and from which he has
19 been sentenced by a final judgment of a federal or state court in this
20 or any other state, the judgment not having been reversed or vacated
21 by a competent appellate court and the offense not having been
22 pardoned by executive authority.

23 3. Conviction of any of the provisions of NRS 616D.200,
24 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

25 4. Commission of fraud by or on behalf of the licensee in
26 obtaining his license or a renewal thereof, or in practicing optometry
27 thereunder.

28 5. Habitual drunkenness or addiction to any controlled
29 substance.

30 6. Gross incompetency.

31 7. Affliction with any mental or physical disorder or
32 disturbance seriously impairing his competency as an optometrist.

33 8. Making false or misleading representations, by or on behalf
34 of the licensee, with respect to optometric materials or services.

35 9. Practice by the licensee, or attempting or offering so to do,
36 while he is in an intoxicated condition.

37 10. Perpetration of unethical or unprofessional conduct in the
38 practice of optometry.

39 11. Any violation of the provisions of this chapter or any
40 regulations adopted pursuant thereto.

41 **Sec. 38.** NRS 637A.250 is hereby amended to read as follows:

42 637A.250 The Board may take disciplinary action against a
43 licensee after a hearing which discloses that the licensee:

44 1. Has been convicted of a felony ~~relating to the practice of~~
45 *hearing aid specialists*.



1 2. Has been convicted of violating any of the provisions of
2 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
3 inclusive.

4 3. Obtained the license by fraud or misrepresentation.

5 4. Has made any false or fraudulent statements concerning
6 hearing aids or the business of hearing aid specialist.

7 5. Has been guilty of negligence, incompetence or
8 unprofessional conduct in his practice as a hearing aid specialist. As
9 used in this subsection, "unprofessional conduct" includes, without
10 limitation:

11 (a) Conduct which is intended to deceive or which the Board by
12 specific regulation has determined is unethical;

13 (b) Conduct which is harmful to the public or any conduct
14 detrimental to the public health or safety;

15 (c) Conduct for which disciplinary action was taken by an
16 agency of another state which is authorized to regulate the practice
17 of hearing aid specialists; and

18 (d) Knowingly employing, directly or indirectly, any person
19 who is not licensed to fit or dispense hearing aids or whose license
20 to fit or dispense hearing aids has been suspended or revoked.

21 6. Has loaned or transferred his license to another person.

22 7. Willfully violated any law of this state or any provision of
23 this chapter regulating hearing aid specialists or the operation of an
24 office, store or other location for dispensing hearing aids.


25 **Sec. 39.** NRS 637B.250 is hereby amended to read as follows:

26 637B.250 The grounds for initiating disciplinary action
27 pursuant to this chapter are:

28 1. Unprofessional conduct.

29 2. Conviction of:

30 (a) A violation of any federal or state law regarding the
31 possession, distribution or use of any controlled substance or any
32 dangerous drug as defined in chapter 454 of NRS;

33 (b) A felony  *relating to the practice of audiology or speech*
34 *pathology;*

35 (c) A violation of any of the provisions of NRS 616D.200,
36 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

37 (d) Any offense involving moral turpitude.

38 3. Suspension or revocation of a license to practice audiology
39 or speech pathology by any other jurisdiction.


40 4. Gross or repeated malpractice, which may be evidenced by
41 claims of malpractice settled against a practitioner.

42 5. Professional incompetence.

43 **Sec. 40.** NRS 638.140 is hereby amended to read as follows:

44 638.140 The following acts, among others, are grounds for
45 disciplinary action:



- 1 1. Violation of a regulation adopted by the State Board of
2 Pharmacy or the Nevada State Board of Veterinary Medical
3 Examiners;
- 4 2. Habitual drunkenness;
- 5 3. Addiction to the use of a controlled substance;
- 6 4. Conviction of or a plea of nolo contendere to a felony 
7 *related to the practice of veterinary medicine*, or any offense
8 involving moral turpitude;
- 9 5. Incompetence;
- 10 6. Negligence;
- 11 7. Malpractice pertaining to veterinary medicine as evidenced
12 by an action for malpractice in which the holder of a license is found
13 liable for damages;
- 14 8. Conviction of a violation of any law concerning the
15 possession, distribution or use of a controlled substance or a
16 dangerous drug as defined in chapter 454 of NRS;
- 17 9. Willful failure to comply with any provision of this chapter,
18 a regulation, subpoena or order of the Board, the standard of care
19 established by the American Veterinary Medical Association, or an
20 order of a court;
- 21 10. Prescribing, administering or dispensing a controlled
22 substance to an animal to influence the outcome of a competitive
23 event in which the animal is a competitor;
- 24 11. Willful failure to comply with a request by the Board for
25 medical records within 14 days after receipt of a demand letter
26 issued by the Board;
- 27 12. Willful failure to accept service by mail or in person from
28 the Board;
- 29 13. Failure of a supervising veterinarian to provide immediate
30 or direct supervision to licensed or unlicensed personnel if the
31 failure results in malpractice or the death of an animal; and
- 32 14. Failure of a supervising veterinarian to ensure that a
33 licensed veterinarian is on the premises of a facility or agency when
34 medical treatment is administered to an animal if the treatment
35 requires direct or immediate supervision by a licensed veterinarian.
- 36 **Sec. 41.** NRS 639.210 is hereby amended to read as follows:
37 639.210 The Board may suspend or revoke any certificate,
38 license, registration or permit issued pursuant to this chapter, and
39 deny the application of any person for a certificate, license,
40 registration or permit, if the holder or applicant:
 - 41 1. Is not of good moral character;
 - 42 2. Is guilty of habitual intemperance;
 - 43 3. Becomes or is intoxicated or under the influence of liquor,
44 any depressant drug or a controlled substance, unless taken pursuant



- 1 to a lawfully issued prescription, while on duty in any establishment
2 licensed by the Board;
- 3 4. Is guilty of unprofessional conduct or conduct contrary to
4 the public interest;
- 5 5. Is addicted to the use of any controlled substance;
- 6 6. Has been convicted of a violation of any law or regulation of
7 the Federal Government or of this or any other state related to
8 controlled substances, dangerous drugs, drug samples, or the
9 wholesale or retail distribution of drugs;
- 10 7. Has been convicted of ~~felony~~ **felony** **relating to holding a certificate, license,**
11 **registration or permit pursuant to this chapter;** or ~~other~~
12 **(b) Other** crime involving moral turpitude, dishonesty or
13 corruption;
- 14 8. Has been convicted of violating any of the provisions of
15 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
16 inclusive;
- 17 9. Has willfully made to the Board or its authorized
18 representative any false statement which is material to the
19 administration or enforcement of any of the provisions of this
20 chapter;
- 21 10. Has obtained any certificate, certification, license or permit
22 by the filing of an application, or any record, affidavit or other
23 information in support thereof, which is false or fraudulent;
- 24 11. Has violated any provision of the Federal Food, Drug and
25 Cosmetic Act or any other federal law or regulation relating to
26 prescription drugs;
- 27 12. Has violated, attempted to violate, assisted or abetted in the
28 violation of or conspired to violate any of the provisions of this
29 chapter or any law or regulation relating to drugs, the manufacture
30 or distribution of drugs or the practice of pharmacy, or has
31 knowingly permitted, allowed, condoned or failed to report a
32 violation of any of the provisions of this chapter or any law or
33 regulation relating to drugs, the manufacture or distribution of drugs
34 or the practice of pharmacy committed by the holder of a certificate,
35 license, registration or permit;
- 36 13. Has failed to renew his certificate, license or permit by
37 failing to submit the application for renewal or pay the renewal fee
38 therefor;
- 39 14. Has had his certificate, license or permit suspended or
40 revoked in another state on grounds which would cause suspension
41 or revocation of a certificate, license or permit in this state;
- 42 15. Has, as a managing pharmacist, violated any provision of
43 law or regulation concerning recordkeeping or inventory in a store
44 over which he presides, or has knowingly allowed a violation of any
45



1 provision of this chapter or other state or federal laws or regulations
2 relating to the practice of pharmacy by personnel of the pharmacy
3 under his supervision;

4 16. Has repeatedly been negligent, which may be evidenced by
5 claims of malpractice settled against him; or

6 17. Has failed to maintain and make available to a state or
7 federal officer any records in accordance with the provisions of this
8 chapter or chapter 453 or 454 of NRS.

9 **Sec. 42.** NRS 640A.200 is hereby amended to read as follows:

10 640A.200 1. The Board may, after notice and hearing,
11 suspend, revoke or refuse to issue or renew a license to practice as
12 an occupational therapist or occupational therapy assistant, or may
13 impose conditions upon the use of that license, if the Board
14 determines that the holder of or applicant for the license is guilty of
15 unprofessional conduct which has endangered or is likely to
16 endanger the public health, safety or welfare. The Board may
17 reinstate a revoked license upon application by the person to whom
18 the license was issued not less than 1 year after the license is
19 revoked.

20 2. If the Board receives a report pursuant to subsection 5 of
21 NRS 228.420, a hearing must be held to consider the report within
22 30 days after receiving the report.

23 3. As used in this section, "unprofessional conduct" includes:

24 (a) The obtaining of a license by fraud or through the
25 misrepresentation or concealment of a material fact;

26 (b) The conviction of ~~[any crime, except a misdemeanor which~~
27 ~~does not involve]~~ :

28 *(1) A felony or gross misdemeanor relating to the practice*
29 *of occupational therapy; or*

30 *(2) Any crime involving* moral turpitude; and

31 (c) The violation of any provision of this chapter or regulation
32 of the Board adopted pursuant to this chapter.

33 **Sec. 43.** NRS 641.230 is hereby amended to read as follows:

34 641.230 The Board may suspend the license of a psychologist,
35 place a psychologist on probation, revoke the license of a
36 psychologist, require remediation for a psychologist or take any
37 other action specified by regulation if the Board finds by a
38 preponderance of the evidence that the psychologist has:

39 1. Been convicted of a felony ~~[]~~ *relating to the practice of*
40 *psychology.*

41 2. Been convicted of any crime or offense that reflects the
42 inability of the psychologist to practice psychology with due regard
43 for the health and safety of others.



1 3. Been convicted of violating any of the provisions of NRS
2 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
3 inclusive.

4 4. Engaged in gross malpractice or repeated malpractice or
5 gross negligence in the practice of psychology.

6 5. Aided or abetted the practice of psychology by a person not
7 licensed by the Board.

8 6. Made any fraudulent or untrue statement to the Board.

9 7. Violated a regulation adopted by the Board.

10 8. Had his license to practice psychology suspended or revoked
11 or has had any other disciplinary action taken against him by
12 another state or territory of the United States, the District of
13 Columbia or a foreign country, if at least one of the grounds for
14 discipline is the same or substantially equivalent to any ground
15 contained in this chapter.

16 9. Failed to report to the Board within 30 days the revocation,
17 suspension or surrender of, or any other disciplinary action taken
18 against, a license or certificate to practice psychology issued to him
19 by another state or territory of the United States, the District of
20 Columbia or a foreign country.

21 10. Violated or attempted to violate, directly or indirectly, or
22 assisted in or abetted the violation of or conspired to violate a
23 provision of this chapter.

24 11. Performed or attempted to perform any professional service
25 while impaired by alcohol, drugs or by a mental or physical illness,
26 disorder or disease.

27 12. Engaged in sexual activity with a patient.

28 13. Been convicted of abuse or fraud in connection with any
29 state or federal program which provides medical assistance.

30 14. Been convicted of submitting a false claim for payment to
31 the insurer of a patient.

32 **Sec. 44.** NRS 641A.310 is hereby amended to read as follows:

33 641A.310 The Board may refuse to grant a license or may
34 suspend or revoke a license for any of the following reasons:

35 1. Conviction of a felony ~~H~~ *relating to the practice of*
36 *marriage and family therapy* or of any offense involving moral
37 turpitude, the record of conviction being conclusive evidence
38 thereof.

39 2. Habitual drunkenness or addiction to the use of a controlled
40 substance.

41 3. Impersonating a licensed marriage and family therapist or
42 allowing another person to use his license.

43 4. Using fraud or deception in applying for a license or in
44 passing the examination provided for in this chapter.



1 5. Rendering or offering to render services outside the area of
2 his training, experience or competence.

3 6. Committing unethical practices contrary to the interest of the
4 public as determined by the Board.

5 7. Unprofessional conduct as determined by the Board.

6 8. Negligence, fraud or deception in connection with services
7 he is licensed to provide pursuant to this chapter.

8 **Sec. 45.** NRS 641B.400 is hereby amended to read as follows:
9 641B.400 The grounds for initiating disciplinary action
10 pursuant to this chapter are:

11 1. Unprofessional conduct;

12 2. Conviction of:

13 (a) A felony ~~§~~ *relating to the practice of social work;*

14 (b) Any offense involving moral turpitude; or

15 (c) A violation of any federal or state law regulating the
16 possession, distribution or use of any controlled substance or
17 dangerous drug as defined in chapter 454 of NRS;

18 3. Use of fraud or deception in:

19 (a) Applying for a license;

20 (b) Undergoing the initial licensing examination; or

21 (c) Rendering services as a social worker;

22 4. Allowing unauthorized use of a license issued pursuant to
23 this chapter;

24 5. Professional incompetence;

25 6. Practicing social work without a license; and

26 7. The habitual use of alcohol or any controlled substance
27 which impairs the ability to practice social work.

28 **Sec. 46.** NRS 641C.700 is hereby amended to read as follows:
29 641C.700 The grounds for initiating disciplinary action
30 pursuant to the provisions of this chapter include:

31 1. Conviction of:

32 (a) A felony ~~§~~ *relating to the practice of counseling alcohol
33 and drug abusers;*

34 (b) An offense involving moral turpitude; or

35 (c) A violation of a federal or state law regulating the
36 possession, distribution or use of a controlled substance or
37 dangerous drug as defined in chapter 453 of NRS;

38 2. Fraud or deception in:

39 (a) Applying for a license or certificate;

40 (b) Taking an examination for a license or certificate;

41 (c) Documenting the continuing education required to renew or
42 reinstate a license or certificate;

43 (d) Submitting a claim for payment to an insurer; or

44 (e) The practice of counseling alcohol and drug abusers;



- 1 3. Allowing the unauthorized use of a license or certificate
- 2 issued pursuant to this chapter;
- 3 4. Professional incompetence;
- 4 5. The habitual use of alcohol or any other drug that impairs
- 5 the ability of a licensed or certified counselor or certified intern to
- 6 engage in the practice of counseling alcohol and drug abusers;
- 7 6. Engaging in the practice of counseling alcohol and drug
- 8 abusers with an expired, suspended or revoked license or certificate;
- 9 and
- 10 7. Engaging in behavior that is contrary to the ethical standards
- 11 as set forth in the regulations of the Board.


12 **Sec. 47.** NRS 642.130 is hereby amended to read as follows:

13 642.130 The following acts are grounds for which the Board

14 may take disciplinary action against a person who is licensed to

15 practice the profession of embalming pursuant to this chapter or

16 refuse to issue such a license to an applicant therefor:

- 17 1. Gross incompetency.
- 18 2. Unprofessional, unethical or dishonest conduct.
- 19 3. Habitual intemperance.
- 20 4. Fraud or misrepresentation in obtaining or attempting to
- 21 obtain a license to practice the profession of embalming.
- 22 5. Employment by the licensee of persons commonly known as
- 23 "cappers," "steerers" or "solicitors," or of other persons to obtain
- 24 funeral directing or embalming business.
- 25 6. Malpractice.
- 26 7. Gross immorality.
- 27 8. The unlawful use of any controlled substance.
- 28 9. Conviction of a felony  *relating to the practice of*
- 29 *embalming.*
- 30 10. False or misleading advertising as defined in NRS 642.490,
- 31 or false or misleading statements in the sale of merchandise or
- 32 services.
- 33 11. Refusal to surrender promptly the custody of a dead human
- 34 body upon the request of a person who is legally entitled to custody
- 35 of the body.
- 36 12. Violation by the licensee of any provision of this chapter,
- 37 any regulation adopted pursuant thereto or any other law of this state
- 38 relating to the practice of any of the professions regulated by the
- 39 Board.
- 40 13. The theft or misappropriation of money in a trust fund
- 41 established and maintained pursuant to chapter 689 of NRS.

42 **Sec. 48.** NRS 642.470 is hereby amended to read as follows:

43 642.470 The following acts are grounds for which the Board

44 may take disciplinary action against a person who holds a funeral

45 director's license, a permit to operate a funeral establishment or a



1 license to conduct direct cremations or immediate burials, or refuse
2 to issue such a license or permit to an applicant therefor:
3 1. Conviction of a crime involving moral turpitude.
4 2. Unprofessional conduct.
5 3. False or misleading advertising.
6 4. Conviction of a felony ~~relating to the practice of funeral~~
7 *directors*.
8 5. Conviction of a misdemeanor that is related directly to the
9 business of a funeral establishment.
10 **Sec. 49.** NRS 643.185 is hereby amended to read as follows:
11 643.185 1. The following are grounds for disciplinary action
12 by the Board:
13 (a) Violation by any person licensed pursuant to the provisions
14 of this chapter of any provision of this chapter or the regulations
15 adopted by the Board.
16 (b) Conviction of a felony ~~relating to the practice of barbers~~.
17 (c) Malpractice or incompetency.
18 (d) Continued practice by a person knowingly having an
19 infectious or contagious disease.
20 (e) Advertising, practicing or attempting to practice under
21 another's name or trade name.
22 (f) Drunkenness or addiction to a controlled substance.
23 2. If the Board determines that a violation of this section has
24 occurred, it may:
25 (a) Refuse to issue or renew a license;
26 (b) Revoke or suspend a license;
27 (c) Impose a fine of not more than \$1,000; and
28 (d) Require the person to pay all costs incurred by the Board
29 relating to the discipline of the person.
30 **Sec. 50.** NRS 645.633 is hereby amended to read as follows:
31 645.633 1. The Commission may take action pursuant to
32 NRS 645.630 against any person subject to that section who is
33 guilty of:
34 (a) Willfully using any trade name, service mark or insigne of
35 membership in any real estate organization of which the licensee is
36 not a member, without the legal right to do so.
37 (b) Violating any order of the Commission, any agreement with
38 the Division, any of the provisions of this chapter, chapter 116, 119,
39 119A, 119B, 645A or 645C of NRS or any regulation adopted
40 thereunder.
41 (c) Paying a commission, compensation or a finder's fee to any
42 person for performing the services of a broker, broker-salesman or
43 salesman who has not secured his license pursuant to this chapter.
44 This subsection does not apply to payments to a broker who is
45 licensed in his state of residence.



- 1 (d) ~~[A felony, or has]~~ *Has been convicted of, or* entered a plea
2 of guilty, guilty but mentally ill or nolo contendere to ~~[a charge of]~~ :
3 (1) *A felony relating to the practice of the licensee, property*
4 *manager or owner-developer;* or ~~[any]~~
5 (2) *Any* crime involving fraud, deceit, misrepresentation or
6 moral turpitude.
7 (e) Guaranteeing, or having authorized or permitted any person
8 to guarantee, future profits which may result from the resale of real
9 property.
10 (f) Failure to include a fixed date of expiration in any written
11 brokerage agreement or to leave a copy of the brokerage agreement
12 with the client.
13 (g) Accepting, giving or charging any undisclosed commission,
14 rebate or direct profit on expenditures made for a client.
15 (h) Gross negligence or incompetence in performing any act for
16 which he is required to hold a license pursuant to this chapter,
17 chapter 119, 119A or 119B of NRS.
18 (i) Any other conduct which constitutes deceitful, fraudulent or
19 dishonest dealing.
20 (j) Any conduct which took place before he became licensed,
21 which was in fact unknown to the Division and which would have
22 been grounds for denial of a license had the Division been aware of
23 the conduct.
24 (k) Knowingly permitting any person whose license has been
25 revoked or suspended to act as a real estate broker, broker-salesman
26 or salesman, with or on behalf of the licensee.
27 (l) Recording or causing to be recorded a claim pursuant to the
28 provisions of NRS 645.8701 to 645.8811, inclusive, that is
29 determined by a district court to be frivolous and made without
30 reasonable cause pursuant to NRS 645.8791.
31 2. The Commission may take action pursuant to NRS 645.630
32 against a person who is subject to that section for the suspension or
33 revocation of a real estate broker's, broker-salesman's or salesman's
34 license issued to him by any other jurisdiction.
35 3. The Commission may take action pursuant to NRS 645.630
36 against any person who:
37 (a) Holds a permit to engage in property management issued
38 pursuant to NRS 645.6052; and
39 (b) In connection with any property for which the person has
40 obtained a written brokerage agreement to manage the property
41 pursuant to NRS 645.6056:
42 (1) Is convicted of violating any of the provisions of
43 NRS 202.470;
44 (2) Has been notified in writing by the appropriate
45 governmental agency of a potential violation of NRS 244.360,



1 244.3603 or 268.4124, and has failed to inform the owner of the
2 property of such notification; or

3 (3) Has been directed in writing by the owner of the property
4 to correct a potential violation of NRS 244.360, 244.3603 or
5 268.4124, and has failed to correct the potential violation, if such
6 corrective action is within the scope of the person's duties pursuant
7 to the written brokerage agreement.

8 4. The Division shall maintain a log of any complaints that it
9 receives relating to activities for which the Commission may take
10 action against a person holding a permit to engage in property
11 management pursuant to subsection 3.

12 5. On or before February 1 of each odd-numbered year, the
13 Division shall submit to the Director of the Legislative Counsel
14 Bureau a written report setting forth, for the previous biennium:

15 (a) Any complaints included in the log maintained by the
16 Division pursuant to subsection 4; and

17 (b) Any disciplinary actions taken by the Commission pursuant
18 to subsection 3.

19 **Sec. 51.** NRS 645A.090 is hereby amended to read as follows:

20 645A.090 1. The Commissioner may refuse to license any
21 escrow agent or agency or may suspend or revoke any license or
22 impose a fine of not more than \$500 for each violation by entering
23 an order to that effect, with his findings in respect thereto, if upon a
24 hearing, it is determined that the applicant or licensee:

25 (a) In the case of an escrow agency, is insolvent;

26 (b) Has violated any provision of this chapter or any regulation
27 adopted pursuant thereto or has aided and abetted another to do so;

28 (c) In the case of an escrow agency, is in such a financial
29 condition that he cannot continue in business with safety to his
30 customers;

31 (d) Has committed fraud in connection with any transaction
32 governed by this chapter;

33 (e) Has intentionally or knowingly made any misrepresentation
34 or false statement to, or concealed any essential or material fact
35 from, any principal or designated agent of a principal in the course
36 of the escrow business;

37 (f) Has intentionally or knowingly made or caused to be made to
38 the Commissioner any false representation of a material fact or has
39 suppressed or withheld from the Commissioner any information
40 which the applicant or licensee possesses;

41 (g) Has failed without reasonable cause to furnish to the parties
42 of an escrow their respective statements of the settlement within a
43 reasonable time after the close of escrow;

44 (h) Has failed without reasonable cause to deliver, within a
45 reasonable time after the close of escrow, to the respective parties of



1 an escrow transaction any money, documents or other properties
2 held in escrow in violation of the provisions of the escrow
3 instructions;

4 (i) Has refused to permit an examination by the Commissioner
5 of his books and affairs or has refused or failed, within a reasonable
6 time, to furnish any information or make any report that may be
7 required by the Commissioner pursuant to the provisions of this
8 chapter;

9 (j) Has been convicted of a felony *relating to the practice of*
10 *escrow agents or agencies* or any misdemeanor of which an
11 essential element is fraud;

12 (k) In the case of an escrow agency, has failed to maintain
13 complete and accurate records of all transactions within the last 6
14 years;

15 (l) Has commingled the money of others with his own or
16 converted the money of others to his own use;

17 (m) Has failed, before the close of escrow, to obtain written
18 escrow instructions concerning any essential or material fact or
19 intentionally failed to follow the written instructions which have
20 been agreed upon by the parties and accepted by the holder of the
21 escrow;

22 (n) Has failed to disclose in writing that he is acting in the dual
23 capacity of escrow agent or agency and undisclosed principal in any
24 transaction; or

25 (o) In the case of an escrow agency, has:

26 (1) Failed to maintain adequate supervision of an escrow
27 agent; or

28 (2) Instructed an escrow agent to commit an act which would
29 be cause for the revocation of the escrow agent's license and the
30 escrow agent committed the act. An escrow agent is not subject to
31 disciplinary action for committing such an act under instruction by
32 the escrow agency.

33 2. It is sufficient cause for the imposition of a fine or the
34 refusal, suspension or revocation of the license of a partnership,
35 corporation or any other association that any member of the
36 partnership or any officer or director of the corporation or
37 association has been guilty of any act or omission which would be
38 cause for such action had the applicant or licensee been a natural
39 person.

40 3. The Commissioner may suspend any license for not more
41 than 30 days, pending a hearing, if upon examination into the affairs
42 of the licensee it is determined that any of the grounds enumerated
43 in subsection 1 or 2 exist.

44 4. The Commissioner may refuse to issue a license to any
45 person who, within 10 years before the date of applying for a current



1 license, has had suspended or revoked a license issued pursuant to
2 this chapter or a comparable license issued by any other state,
3 district or territory of the United States or any foreign country.

4 **Sec. 52.** NRS 645B.020 is hereby amended to read as follows:

5 645B.020 1. A person who wishes to be licensed as a
6 mortgage broker must file a written application for a license with the
7 office of the Commissioner and pay the fee required pursuant to
8 NRS 645B.050. An application for a license as a mortgage broker
9 must:

10 (a) Be verified.

11 (b) State the name, residence address and business address of
12 the applicant and the location of each principal office and branch
13 office at which the mortgage broker will conduct business within
14 this state.

15 (c) State the name under which the applicant will conduct
16 business as a mortgage broker.

17 (d) List the name, residence address and business address of
18 each person who will:

19 (1) If the applicant is not a natural person, have an interest in
20 the mortgage broker as a principal, partner, officer, director or
21 trustee, specifying the capacity and title of each such person.

22 (2) Be associated with or employed by the mortgage broker
23 as a mortgage agent.

24 (e) If the applicant is a natural person, include the social security
25 number of the applicant.

26 (f) Include a general business plan and a description of the
27 policies and procedures that the mortgage broker and his mortgage
28 agents will follow to arrange and service loans and to conduct
29 business pursuant to this chapter.

30 (g) State the length of time the applicant has been engaged in the
31 business of a broker.

32 (h) Include a financial statement of the applicant and, if
33 applicable, satisfactory proof that the applicant will be able to
34 maintain continuously the net worth required pursuant to
35 NRS 645B.115.

36 (i) Include any other information required pursuant to the
37 regulations adopted by the Commissioner or an order of the
38 Commissioner.

39 2. If a mortgage broker will conduct business at one or more
40 branch offices within this state, the mortgage broker must apply for
41 a license for each such branch office.

42 3. Except as otherwise provided in this chapter, the
43 Commissioner shall issue a license to an applicant as a mortgage
44 broker if:



1 (a) The application complies with the requirements of this
2 chapter;

3 (b) The applicant submits the statement required pursuant to
4 NRS 645B.023, if the applicant is required to do so; and

5 (c) The applicant and each general partner, officer or director of
6 the applicant, if the applicant is a partnership, corporation or
7 unincorporated association:

8 (1) Has a good reputation for honesty, trustworthiness and
9 integrity and displays competence to transact the business of a
10 mortgage broker in a manner which safeguards the interests of the
11 general public. The applicant must submit satisfactory proof of these
12 qualifications to the Commissioner.

13 (2) Has not been convicted of, or entered a plea of nolo
14 contendere to, a felony *relating to the practice of mortgage brokers*
15 or any crime involving fraud, misrepresentation or moral turpitude.

16 (3) Has not made a false statement of material fact on his
17 application.

18 (4) Has not had a license that was issued pursuant to the
19 provisions of this chapter or chapter 645E of NRS suspended or
20 revoked within the 10 years immediately preceding the date of his
21 application.

22 (5) Has not had a license that was issued in any other state,
23 district or territory of the United States or any foreign country
24 suspended or revoked within the 10 years immediately preceding the
25 date of his application.

26 (6) Has not violated any provision of this chapter or chapter
27 645E of NRS, a regulation adopted pursuant thereto or an order of
28 the Commissioner.

29 **Sec. 53.** NRS 645B.020 is hereby amended to read as follows:

30 645B.020 1. A person who wishes to be licensed as a
31 mortgage broker must file a written application for a license with the
32 office of the Commissioner and pay the fee required pursuant to
33 NRS 645B.050. An application for a license as a mortgage broker
34 must:

35 (a) Be verified.

36 (b) State the name, residence address and business address of
37 the applicant and the location of each principal office and branch
38 office at which the mortgage broker will conduct business within
39 this state.

40 (c) State the name under which the applicant will conduct
41 business as a mortgage broker.

42 (d) List the name, residence address and business address of
43 each person who will:



- 1 (1) If the applicant is not a natural person, have an interest in
2 the mortgage broker as a principal, partner, officer, director or
3 trustee, specifying the capacity and title of each such person.
- 4 (2) Be associated with or employed by the mortgage broker
5 as a mortgage agent.
- 6 (e) Include a general business plan and a description of the
7 policies and procedures that the mortgage broker and his mortgage
8 agents will follow to arrange and service loans and to conduct
9 business pursuant to this chapter.
- 10 (f) State the length of time the applicant has been engaged in the
11 business of a mortgage broker.
- 12 (g) Include a financial statement of the applicant and, if
13 applicable, satisfactory proof that the applicant will be able to
14 maintain continuously the net worth required pursuant to
15 NRS 645B.115.
- 16 (h) Include any other information required pursuant to the
17 regulations adopted by the Commissioner or an order of the
18 Commissioner.
- 19 2. If a mortgage broker will conduct business at one or more
20 branch offices within this state, the mortgage broker must apply for
21 a license for each such branch office.
- 22 3. Except as otherwise provided in this chapter, the
23 Commissioner shall issue a license to an applicant as a mortgage
24 broker if:
- 25 (a) The application complies with the requirements of this
26 chapter; and
- 27 (b) The applicant and each general partner, officer or director of
28 the applicant, if the applicant is a partnership, corporation or
29 unincorporated association:
- 30 (1) Has a good reputation for honesty, trustworthiness and
31 integrity and displays competence to transact the business of a
32 mortgage broker in a manner which safeguards the interests of the
33 general public. The applicant must submit satisfactory proof of these
34 qualifications to the Commissioner.
- 35 (2) Has not been convicted of, or entered a plea of nolo
36 contendere to, a felony *relating to the practice of mortgage brokers*
37 or any crime involving fraud, misrepresentation or moral turpitude.
- 38 (3) Has not made a false statement of material fact on his
39 application.
- 40 (4) Has not had a license that was issued pursuant to the
41 provisions of this chapter or chapter 645E of NRS suspended or
42 revoked within the 10 years immediately preceding the date of his
43 application.
- 44 (5) Has not had a license that was issued in any other state,
45 district or territory of the United States or any foreign country



1 suspended or revoked within the 10 years immediately preceding the
2 date of his application.

3 (6) Has not violated any provision of this chapter or chapter
4 645E of NRS, a regulation adopted pursuant thereto or an order of
5 the Commissioner.

6 **Sec. 54.** NRS 645B.0243 is hereby amended to read as
7 follows:

8 645B.0243 The Commissioner may refuse to issue a license to
9 an applicant if the Commissioner has reasonable cause to believe
10 that the applicant or any general partner, officer or director of the
11 applicant has, after October 1, 1999, employed or proposed to
12 employ a person as a mortgage agent or authorized or proposed to
13 authorize a person to be associated with a mortgage broker as a
14 mortgage agent at a time when the applicant or the general partner,
15 officer or director knew or, in light of all the surrounding facts and
16 circumstances, reasonably should have known that the person:

17 1. Had been convicted of, or entered a plea of nolo contendere
18 to ~~[-a]~~:

19 (a) A felony *relating to the practice of mortgage brokers*; or
20 ~~{any}~~

21 (b) Any crime involving fraud, misrepresentation or moral
22 turpitude; or

23 2. Had a financial services license or registration suspended or
24 revoked within the immediately preceding 10 years.

25 **Sec. 55.** NRS 645B.450 is hereby amended to read as follows:

26 645B.450 1. A person shall not act as or provide any of the
27 services of a mortgage agent or otherwise engage in, carry on or
28 hold himself out as engaging in or carrying on the activities of a
29 mortgage agent if the person:

30 (a) Has been convicted of, or entered a plea of nolo contendere
31 to ~~[-a]~~:

32 (1) A felony *relating to the practice of mortgage agents*; or
33 ~~{any}~~

34 (2) Any crime involving fraud, misrepresentation or moral
35 turpitude; or

36 (b) Has had a financial services license or registration suspended
37 or revoked within the immediately preceding 10 years.

38 2. A mortgage agent may not be associated with or employed
39 by more than one mortgage broker at the same time.

40 3. A mortgage broker shall register with the Division each
41 person who will be associated with or employed by the mortgage
42 broker as a mortgage agent. A mortgage broker shall register each
43 such person with the Division when the person begins his
44 association or employment with the mortgage broker and annually
45 thereafter. A registration expires 12 months after its effective date.



- 1 4. To register a person as a mortgage agent, a mortgage broker
2 must:
- 3 (a) Submit to the Division a registration form which is provided
4 by the Division and which:
- 5 (1) States the name, residence address and business address
6 of the person;
- 7 (2) Is signed by the person;
- 8 (3) Includes a provision by which the person gives his
9 written consent to an investigation of his credit history, criminal
10 history and background; and
- 11 (4) Includes any other information or supporting materials
12 required by the regulations adopted by the Commissioner. Such
13 information or supporting materials may include, without limitation,
14 a complete set of fingerprints from the person, the social security
15 number of the person and other forms of identification of the person.
- 16 (b) For each initial registration, pay the actual costs and
17 expenses incurred by the Division to investigate the credit history,
18 criminal history and background of the person. All money received
19 pursuant to this paragraph must be placed in the Investigative
20 Account *for Financial Institutions* created by NRS 232.545.
- 21 (c) For each annual registration, submit to the Division
22 satisfactory proof that the person attended at least 5 hours of
23 certified courses of continuing education during the 12 months
24 immediately preceding the date on which the registration expires.
- 25 5. Not later than the date on which the mortgage broker
26 submits the information for annual registration required by
27 subsection 4, the person being registered shall pay an annual
28 registration fee of \$125. If the person does not pay the annual
29 registration fee, the person shall be deemed to be unregistered for
30 the purposes of this chapter.
- 31 6. A mortgage broker shall not employ a person as a mortgage
32 agent or authorize a person to be associated with the mortgage
33 broker as a mortgage agent if the mortgage broker has not registered
34 the person with the Division pursuant to this section or if the person:
- 35 (a) Has been convicted of, or entered a plea of nolo contendere
36 to, a felony *relating to the practice of mortgage agents* or any
37 crime involving fraud, misrepresentation or moral turpitude; or
- 38 (b) Has had a financial services license or registration suspended
39 or revoked within the immediately preceding 10 years.
- 40 7. If a mortgage agent terminates his association or
41 employment with a mortgage broker for any reason, the mortgage
42 broker shall, not later than the third business day following the date
43 of termination:
- 44 (a) Deliver to the mortgage agent or send by certified mail to the
45 last known residence address of the mortgage agent a written



1 statement which advises him that his termination is being reported
2 to the Division; and

3 (b) Deliver or send by certified mail to the Division:

4 (1) A written statement of the circumstances surrounding the
5 termination; and

6 (2) A copy of the written statement that the mortgage broker
7 delivers or mails to the mortgage agent pursuant to paragraph (a).

8 8. As used in this section, "certified course of continuing
9 education" has the meaning ascribed to it in NRS 645B.051.

10 **Sec. 56.** NRS 645B.670 is hereby amended to read as follows:

11 645B.670 Except as otherwise provided in NRS 645B.690:

12 1. For each violation committed by an applicant, whether or
13 not he is issued a license, the Commissioner may impose upon the
14 applicant an administrative fine of not more than \$10,000, if the
15 applicant:

16 (a) Has knowingly made or caused to be made to the
17 Commissioner any false representation of material fact;

18 (b) Has suppressed or withheld from the Commissioner any
19 information which the applicant possesses and which, if submitted
20 by him, would have rendered the applicant ineligible to be licensed
21 pursuant to the provisions of this chapter; or

22 (c) Has violated any provision of this chapter, a regulation
23 adopted pursuant to this chapter or an order of the Commissioner in
24 completing and filing his application for a license or during the
25 course of the investigation of his application for a license.

26 2. For each violation committed by a licensee, the
27 Commissioner may impose upon the licensee an administrative fine
28 of not more than \$10,000, may suspend, revoke or place conditions
29 upon his license, or may do both, if the licensee, whether or not
30 acting as such:

31 (a) Is insolvent;

32 (b) Is grossly negligent or incompetent in performing any act for
33 which he is required to be licensed pursuant to the provisions of this
34 chapter;

35 (c) Does not conduct his business in accordance with law or has
36 violated any provision of this chapter, a regulation adopted pursuant
37 to this chapter or an order of the Commissioner;

38 (d) Is in such financial condition that he cannot continue in
39 business with safety to his customers;

40 (e) Has made a material misrepresentation in connection with
41 any transaction governed by this chapter;

42 (f) Has suppressed or withheld from a client any material facts,
43 data or other information relating to any transaction governed by the
44 provisions of this chapter which the licensee knew or, by the
45 exercise of reasonable diligence, should have known;



- 1 (g) Has knowingly made or caused to be made to the
2 Commissioner any false representation of material fact or has
3 suppressed or withheld from the Commissioner any information
4 which the licensee possesses and which, if submitted by him, would
5 have rendered the licensee ineligible to be licensed pursuant to the
6 provisions of this chapter;
- 7 (h) Has failed to account to persons interested for all money
8 received for a trust account;
- 9 (i) Has refused to permit an examination by the Commissioner
10 of his books and affairs or has refused or failed, within a reasonable
11 time, to furnish any information or make any report that may be
12 required by the Commissioner pursuant to the provisions of this
13 chapter or a regulation adopted pursuant to this chapter;
- 14 (j) Has been convicted of, or entered a plea of nolo contendere
15 to, a felony *relating to the practice of mortgage brokers* or any
16 crime involving fraud, misrepresentation or moral turpitude;
- 17 (k) Has refused or failed to pay, within a reasonable time, any
18 fees, assessments, costs or expenses that the licensee is required to
19 pay pursuant to this chapter or a regulation adopted pursuant to this
20 chapter;
- 21 (l) Has failed to satisfy a claim made by a client which has been
22 reduced to judgment;
- 23 (m) Has failed to account for or to remit any money of a client
24 within a reasonable time after a request for an accounting or
25 remittal;
- 26 (n) Has commingled the money or other property of a client
27 with his own or has converted the money or property of others to his
28 own use;
- 29 (o) Has engaged in any other conduct constituting a deceitful,
30 fraudulent or dishonest business practice;
- 31 (p) Has repeatedly violated the policies and procedures of the
32 mortgage broker;
- 33 (q) Has failed to exercise reasonable supervision over the
34 activities of a mortgage agent as required by NRS 645B.460;
- 35 (r) Has instructed a mortgage agent to commit an act that would
36 be cause for the revocation of the license of the mortgage broker,
37 whether or not the mortgage agent commits the act;
- 38 (s) Has employed a person as a mortgage agent or authorized a
39 person to be associated with the licensee as a mortgage agent at a
40 time when the licensee knew or, in light of all the surrounding facts
41 and circumstances, reasonably should have known that the person:
- 42 (1) Had been convicted of, or entered a plea of nolo
43 contendere to, a felony *relating to the practice of mortgage agents*
44 or any crime involving fraud, misrepresentation or moral turpitude;
45 or



1 (2) Had a financial services license or registration suspended
2 or revoked within the immediately preceding 10 years; or

3 (t) Has not conducted verifiable business as a mortgage broker
4 for 12 consecutive months, except in the case of a new applicant.
5 The Commissioner shall determine whether a mortgage broker is
6 conducting business by examining the monthly reports of activity
7 submitted by the licensee or by conducting an examination of the
8 licensee.

9 **Sec. 57.** NRS 645C.460 is hereby amended to read as follows:

10 645C.460 1. Grounds for disciplinary action against a
11 certified or licensed appraiser or registered intern include:

- 12 (a) Unprofessional conduct;
13 (b) Professional incompetence;
14 (c) A criminal conviction for a felony *relating to the practice of*
15 *appraisers* or any offense involving moral turpitude; and
16 (d) The suspension or revocation of a registration card,
17 certificate, license or permit to act as an appraiser in any other
18 jurisdiction.

19 2. If grounds for disciplinary action against an appraiser or
20 intern exist, the Commission may do one or more of the following:

- 21 (a) Revoke or suspend his certificate, license or registration
22 card.
23 (b) Place conditions upon his certificate, license or registration
24 card, or upon the reissuance of a certificate, license or registration
25 card revoked pursuant to this section.
26 (c) Deny the renewal of his certificate, license or registration
27 card.
28 (d) Impose a fine of not more than \$1,000 for each violation.

29 3. If a certificate, license or registration card is revoked by the
30 Commission, another certificate, license or registration card must
31 not be issued to the same appraiser or intern for at least 1 year after
32 the date of the revocation, or at any time thereafter except in the sole
33 discretion of the Administrator, and then only if the appraiser or
34 intern satisfies all the requirements for an original certificate, license
35 or registration card.

36 4. If discipline is imposed pursuant to this section, the costs of
37 the proceeding, including investigative costs and attorney's fees,
38 may be recovered by the Commission.

39 **Sec. 58.** NRS 645E.200 is hereby amended to read as follows:

40 645E.200 1. A person who wishes to be licensed as a
41 mortgage company must file a written application for a license with
42 the Office of the Commissioner and pay the fee required pursuant to
43 NRS 645E.280. An application for a license as a mortgage company
44 must:

- 45 (a) Be verified.



1 (b) State the name, residence address and business address of
2 the applicant and the location of each principal office and branch
3 office at which the mortgage company will conduct business in this
4 state, including, without limitation, any office or other place of
5 business located outside this state from which the mortgage
6 company will conduct business in this state.

7 (c) State the name under which the applicant will conduct
8 business as a mortgage company.

9 (d) If the applicant is not a natural person, list the name,
10 residence address and business address of each person who will
11 have an interest in the mortgage company as a principal, partner,
12 officer, director or trustee, specifying the capacity and title of each
13 such person.

14 (e) Indicate the general plan and character of the business.

15 (f) State the length of time the applicant has been engaged in the
16 business of a mortgage company.

17 (g) Include a financial statement of the applicant.

18 (h) Include any other information required pursuant to the
19 regulations adopted by the Commissioner or an order of the
20 Commissioner.

21 2. If a mortgage company will conduct business in this state at
22 one or more branch offices, the mortgage company must apply for a
23 license for each such branch office.

24 3. Except as otherwise provided in this chapter, the
25 Commissioner shall issue a license to an applicant as a mortgage
26 company if:

27 (a) The application complies with the requirements of this
28 chapter; and

29 (b) The applicant and each general partner, officer or director of
30 the applicant, if the applicant is a partnership, corporation or
31 unincorporated association:

32 (1) Has a good reputation for honesty, trustworthiness and
33 integrity and displays competence to transact the business of a
34 mortgage company in a manner which safeguards the interests of the
35 general public. The applicant must submit satisfactory proof of these
36 qualifications to the Commissioner.

37 (2) Has not been convicted of, or entered a plea of nolo
38 contendere to, a felony *relating to the practice of mortgage*
39 *companies* or any crime involving fraud, misrepresentation or moral
40 turpitude.

41 (3) Has not made a false statement of material fact on his
42 application.

43 (4) Has not had a license that was issued pursuant to the
44 provisions of this chapter or chapter 645B of NRS suspended or



1 revoked within the 10 years immediately preceding the date of his
2 application.

3 (5) Has not had a license that was issued in any other state,
4 district or territory of the United States or any foreign country
5 suspended or revoked within the 10 years immediately preceding the
6 date of his application.

7 (6) Has not violated any provision of this chapter or chapter
8 645B of NRS, a regulation adopted pursuant thereto or an order of
9 the Commissioner.

10 4. If an applicant is a partnership, corporation or
11 unincorporated association, the Commissioner may refuse to issue a
12 license to the applicant if any member of the partnership or any
13 officer or director of the corporation or unincorporated association
14 has committed any act or omission that would be cause for refusing
15 to issue a license to a natural person.

16 5. A person may apply for a license for an office or other place
17 of business located outside this state from which the applicant will
18 conduct business in this state if the applicant or a subsidiary or
19 affiliate of the applicant has a license issued pursuant to this chapter
20 for an office or other place of business located in this state and if the
21 applicant submits with the application for a license a statement
22 signed by the applicant which states that the applicant agrees to:

23 (a) Make available at a location within this state the books,
24 accounts, papers, records and files of the office or place of business
25 located outside this state to the Commissioner or a representative of
26 the Commissioner; or

27 (b) Pay the reasonable expenses for travel, meals and lodging of
28 the Commissioner or a representative of the Commissioner incurred
29 during any investigation or examination made at the office or place
30 of business located outside this state.

31 The applicant must be allowed to choose between paragraph (a) or
32 (b) in complying with the provisions of this subsection.

33 **Sec. 59.** NRS 645E.670 is hereby amended to read as follows:

34 645E.670 1. For each violation committed by an applicant,
35 whether or not he is issued a license, the Commissioner may impose
36 upon the applicant an administrative fine of not more than \$10,000,
37 if the applicant:

38 (a) Has knowingly made or caused to be made to the
39 Commissioner any false representation of material fact;

40 (b) Has suppressed or withheld from the Commissioner any
41 information which the applicant possesses and which, if submitted
42 by him, would have rendered the applicant ineligible to be licensed
43 pursuant to the provisions of this chapter; or

44 (c) Has violated any provision of this chapter, a regulation
45 adopted pursuant to this chapter or an order of the Commissioner in



1 completing and filing his application for a license or during the
2 course of the investigation of his application for a license.

3 2. For each violation committed by a licensee, the
4 Commissioner may impose upon the licensee an administrative fine
5 of not more than \$10,000, may suspend, revoke or place conditions
6 upon his license, or may do both, if the licensee, whether or not
7 acting as such:

8 (a) Is insolvent;

9 (b) Is grossly negligent or incompetent in performing any act for
10 which he is required to be licensed pursuant to the provisions of this
11 chapter;

12 (c) Does not conduct his business in accordance with law or has
13 violated any provision of this chapter, a regulation adopted pursuant
14 to this chapter or an order of the Commissioner;

15 (d) Is in such financial condition that he cannot continue in
16 business with safety to his customers;

17 (e) Has made a material misrepresentation in connection with
18 any transaction governed by this chapter;

19 (f) Has suppressed or withheld from a client any material facts,
20 data or other information relating to any transaction governed by the
21 provisions of this chapter which the licensee knew or, by the
22 exercise of reasonable diligence, should have known;

23 (g) Has knowingly made or caused to be made to the
24 Commissioner any false representation of material fact or has
25 suppressed or withheld from the Commissioner any information
26 which the licensee possesses and which, if submitted by him, would
27 have rendered the licensee ineligible to be licensed pursuant to the
28 provisions of this chapter;

29 (h) Has failed to account to persons interested for all money
30 received for a trust account;

31 (i) Has refused to permit an examination by the Commissioner
32 of his books and affairs or has refused or failed, within a reasonable
33 time, to furnish any information or make any report that may be
34 required by the Commissioner pursuant to the provisions of this
35 chapter or a regulation adopted pursuant to this chapter;

36 (j) Has been convicted of, or entered a plea of nolo contendere
37 to, a felony *relating to the practice of mortgage companies* or any
38 crime involving fraud, misrepresentation or moral turpitude;

39 (k) Has refused or failed to pay, within a reasonable time, any
40 fees, assessments, costs or expenses that the licensee is required to
41 pay pursuant to this chapter or a regulation adopted pursuant to this
42 chapter;

43 (l) Has failed to satisfy a claim made by a client which has been
44 reduced to judgment;



1 (m) Has failed to account for or to remit any money of a client
2 within a reasonable time after a request for an accounting or
3 remittal;

4 (n) Has commingled the money or other property of a client
5 with his own or has converted the money or property of others to his
6 own use; or

7 (o) Has engaged in any other conduct constituting a deceitful,
8 fraudulent or dishonest business practice.

9 **Sec. 60.** NRS 648.110 is hereby amended to read as follows:

10 648.110 1. Before the Board grants any license, the applicant,
11 including each director and officer of a corporate applicant, must:

12 (a) Be at least 21 years of age.

13 (b) Be a citizen of the United States or lawfully entitled to
14 remain and work in the United States.

15 (c) Be of good moral character and temperate habits.

16 (d) Have no conviction of ~~fa~~:

17 (1) A felony *relating to the practice for which the applicant*
18 *wishes to be licensed*; or ~~fa~~

19 (2) Any crime involving moral turpitude or the illegal use or
20 possession of a dangerous weapon.

21 2. Each applicant, or the qualifying agent of a corporate
22 applicant, must:

23 (a) If an applicant for a private investigator's license, have at
24 least 5 years' experience as an investigator, or the equivalent
25 thereof, as determined by the Board.

26 (b) If an applicant for a reposessor's license, have at least 5
27 years' experience as a reposessor, or the equivalent thereof, as
28 determined by the Board.

29 (c) If an applicant for a private patrolman's license, have at least
30 5 years' experience as a private patrolman, or the equivalent thereof,
31 as determined by the Board.

32 (d) If an applicant for a process server's license, have at least 2
33 years' experience as a process server, or the equivalent thereof, as
34 determined by the Board.

35 (e) If an applicant for a dog handler's license, demonstrate to the
36 satisfaction of the Board his ability to handle, supply and train
37 watchdogs.

38 (f) If an applicant for a license as an intern, have:

39 (1) Received:

40 (I) A baccalaureate degree from an accredited college or
41 university and have at least 1 year's experience in investigation or
42 polygraphic examination satisfactory to the Board;

43 (II) An associate degree from an accredited college or
44 university and have at least 3 years' experience; or



- 1 (III) A high school diploma or its equivalent and have at
2 least 5 years' experience; and
3 (2) Satisfactorily completed a basic course of instruction in
4 polygraphic techniques satisfactory to the Board.
5 (g) If an applicant for a license as a polygraphic examiner:
6 (1) Meet the requirements contained in paragraph (f);
7 (2) Have actively conducted polygraphic examinations for at
8 least 2 years;
9 (3) Have completed successfully at least 250 polygraphic
10 examinations, including at least 100 examinations concerning
11 specific inquiries as distinguished from general examinations for the
12 purpose of screening;
13 (4) Have completed successfully at least 50 polygraphic
14 examinations, including 10 examinations concerning specific
15 inquiries, during the 12 months immediately before the date of his
16 application; and
17 (5) Have completed successfully at least 24 hours of
18 advanced polygraphic training acceptable to the Board during the 2
19 years immediately before the date of his application.
20 (h) Meet other requirements as determined by the Board.
21 3. The Board, when satisfied from recommendations and
22 investigation that the applicant is of good character, competency and
23 integrity, may issue and deliver a license to the applicant entitling
24 him to conduct the business for which he is licensed, for the period
25 which ends on July 1 next following the date of issuance.
26 4. For the purposes of this section, 1 year of experience
27 consists of 2,000 hours of experience.
28 **Sec. 61.** NRS 648.150 is hereby amended to read as follows:
29 648.150 The Board may discipline any licensee for any of the
30 following causes:
31 1. Conviction of a felony *relating to the practice of the*
32 *licensee* or of any offense involving moral turpitude.
33 2. Violation of any of the provisions of this chapter or of a
34 regulation adopted pursuant thereto.
35 3. A false statement by the licensee that any person is or has
36 been in his employ.
37 4. Any unprofessional conduct or unfitness of the licensee or
38 any person in his employ.
39 5. Any false statement or the giving of any false information in
40 connection with an application for a license or a renewal or
41 reinstatement of a license.
42 6. Any act in the course of the licensee's business constituting
43 dishonesty or fraud.
44 7. Impersonation or aiding and abetting an employee in the
45 impersonation of a law enforcement officer or employee of the



1 United States of America, or of any state or political subdivision
2 thereof.

3 8. During the period between the expiration of a license for the
4 failure to renew within the time fixed by this chapter and the
5 reinstatement of the license, the commission of any act which would
6 be a cause for the suspension or revocation of a license, or grounds
7 for the denial of an application for a license.

8 9. Willful failure or refusal to render to a client services or a
9 report as agreed between the parties and for which compensation
10 has been paid or tendered in accordance with the agreement of the
11 parties.

12 10. Commission of assault, battery or kidnapping.

13 11. Knowing violation of any court order or injunction in the
14 course of business as a licensee.

15 12. Any act which is a ground for denial of an application for a
16 license under this chapter.

17 13. Willfully aiding or abetting a person in a violation of a
18 provision of this chapter or a regulation adopted pursuant thereto.

19 **Sec. 62.** NRS 649.085 is hereby amended to read as follows:

20 649.085 Every individual applicant, every officer and director
21 of a corporate applicant, and every member of a firm or partnership
22 applicant for a license as a collection agency or collection agent
23 must submit proof satisfactory to the Commissioner that he:

24 1. Is a citizen of the United States or lawfully entitled to
25 remain and work in the United States.

26 2. Has a good reputation for honesty, trustworthiness, integrity
27 and is competent to transact the business of a collection agency in a
28 manner which protects the interests of the general public.

29 3. Has not had a collection agency license suspended or
30 revoked within the 10 years immediately preceding the date of the
31 application.

32 4. Has not been convicted of, or entered a plea of nolo
33 contendere to ~~[-a-]~~:

34 (a) A felony *relating to the practice of collection agencies or*
35 *collection agents*; or ~~[any]~~

36 (b) Any crime involving fraud, misrepresentation or moral
37 turpitude.

38 5. Has not made a false statement of material fact on his
39 application.

40 6. Will maintain one or more offices in this state for the
41 transaction of the business of his collection agency.

42 7. Has established a plan to ensure that his collection agency
43 will provide the services of a collection agency adequately and
44 efficiently.



1 **Sec. 63.** NRS 652.220 is hereby amended to read as follows:
2 652.220 A license may be denied, suspended or revoked if the
3 laboratory, laboratory director or any technical employee of the
4 laboratory:

- 5 1. Violates any provision of this chapter;
- 6 2. Makes any misrepresentation in obtaining a license;
- 7 3. Has been convicted of a felony **[H]** *relating to the position*
8 *for which the applicant has applied or the licensee has been*
9 *licensed pursuant to this chapter;*
- 10 4. Has been convicted of violating any of the provisions of
11 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
12 inclusive;
- 13 5. Is guilty of unprofessional conduct;
- 14 6. Knowingly permits the use of the name of a licensed
15 laboratory or its director by an unlicensed laboratory; or
- 16 7. Fails to meet the minimum standards prescribed by the
17 Board.

18 **Sec. 64.** NRS 654.190 is hereby amended to read as follows:

19 654.190 1. The Board may, after notice and hearing, impose
20 an administrative fine of not more than \$2,500 on and suspend or
21 revoke the license of any nursing facility administrator or
22 administrator of a residential facility for groups who:

23 (a) Is convicted of a felony **[H]** *relating to the practice of*
24 *administering a nursing facility or residential facility* or of any
25 offense involving moral turpitude.

26 (b) Has obtained his license by the use of fraud or deceit.

27 (c) Violates any of the provisions of this chapter.

28 (d) Aids or abets any person in the violation of any of the
29 provisions of NRS 449.001 to 449.240, inclusive, as those
30 provisions pertain to a facility for skilled nursing, facility for
31 intermediate care or residential facility for groups.

32 (e) Violates any regulation of the Board prescribing additional
33 standards of conduct for nursing facility administrators or
34 administrators of residential facilities for groups.

35 2. The Board shall give a licensee against whom proceedings
36 are brought pursuant to this section written notice of a hearing not
37 less than 10 days before the date of the hearing.

38 3. If discipline is imposed pursuant to this section, the costs of
39 the proceeding, including investigative costs and attorney's fees,
40 may be recovered by the Board.

41 **Sec. 65.** NRS 656.240 is hereby amended to read as follows:

42 656.240 The Board may refuse to issue or to renew or may
43 suspend or revoke any certificate for any one or a combination of
44 the following causes:



1 1. If the applicant or court reporter has by false representation
2 obtained or sought to obtain a certificate for himself or any other
3 person.

4 2. If the applicant or court reporter has been found in contempt
5 of court, arising out of his conduct in performing or attempting to
6 perform any act as a court reporter.

7 3. If the applicant or court reporter has been convicted of a
8 crime related to the qualifications, functions and responsibilities of a
9 certified court reporter.

10 4. If the applicant or court reporter has been convicted of ~~fa~~
11 ~~felony or gross misdemeanor or of~~ any offense involving moral
12 turpitude.

13 The judgment of conviction or a certified copy of the judgment is
14 conclusive evidence of conviction of an offense.

15 **Sec. 66.** NRS 676.290 is hereby amended to read as follows:

16 676.290 1. The Commissioner may, pursuant to the
17 procedure provided in this chapter, deny, suspend or revoke any
18 license for which application has been made or which has been
19 issued under the provisions of this chapter if he finds, as to the
20 licensee, its associates, directors or officers, grounds for action.

21 2. Any one of the following grounds may provide the requisite
22 grounds for denial, suspension or revocation:

23 (a) Conviction of a felony *relating to the practice of debt*
24 *adjusters* or of a misdemeanor involving moral turpitude.

25 (b) Violation of any of the provisions of this chapter or
26 regulations of the Commissioner.

27 (c) Fraud or deceit in procuring the issuance of the license.

28 (d) Continuous course of unfair conduct.

29 (e) Insolvency, filing in bankruptcy, receivership or assigning
30 for the benefit of creditors by any licensee or applicant for a license
31 under this chapter.

32 (f) Failure to pay the fee for renewal or reinstatement of a
33 license.

34 3. The Commissioner shall, after notice and hearing, impose
35 upon the licensee a fine of \$500 for each violation by the licensee of
36 any of the provisions of this chapter or regulations of the
37 Commissioner. If a fine is imposed pursuant to this section, the
38 costs of the proceeding, including investigative costs and attorney's
39 fees, may be recovered by the Commissioner.

40 **Sec. 67.** NRS 692A.105 is hereby amended to read as follows:

41 692A.105 1. The Commissioner may refuse to license any
42 title agent or escrow officer or may suspend or revoke any license or
43 impose a fine of not more than \$500 for each violation by entering
44 an order to that effect, with his findings in respect thereto, if upon a
45 hearing, it is determined that the applicant or licensee:



- 1 (a) In the case of a title agent, is insolvent or in such a financial
2 condition that he cannot continue in business with safety to his
3 customers;
- 4 (b) Has violated any provision of this chapter or any regulation
5 adopted pursuant thereto or has aided and abetted another to do so;
- 6 (c) Has committed fraud in connection with any transaction
7 governed by this chapter;
- 8 (d) Has intentionally or knowingly made any misrepresentation
9 or false statement to, or concealed any essential or material fact
10 known to him from, any principal or designated agent of the
11 principal in the course of the escrow business;
- 12 (e) Has intentionally or knowingly made or caused to be made
13 to the Commissioner any false representation of a material fact or
14 has suppressed or withheld from him any information which the
15 applicant or licensee possesses;
- 16 (f) Has failed without reasonable cause to furnish to the parties
17 of an escrow their respective statements of the settlement within a
18 reasonable time after the close of escrow;
- 19 (g) Has failed without reasonable cause to deliver, within a
20 reasonable time after the close of escrow, to the respective parties of
21 an escrow transaction any money, documents or other properties
22 held in escrow in violation of the provisions of the escrow
23 instructions;
- 24 (h) Has refused to permit an examination by the Commissioner
25 of his books and affairs or has refused or failed, within a reasonable
26 time, to furnish any information or make any report that may be
27 required by the Commissioner pursuant to the provisions of this
28 chapter;
- 29 (i) Has been convicted of a felony *relating to the practice of*
30 *title agents* or any misdemeanor of which an essential element is
31 fraud;
- 32 (j) In the case of a title agent, has failed to maintain complete
33 and accurate records of all transactions within the last 7 years;
- 34 (k) Has commingled the money of other persons with his own or
35 converted the money of other persons to his own use;
- 36 (l) Has failed, before the close of escrow, to obtain written
37 instructions concerning any essential or material fact or intentionally
38 failed to follow the written instructions which have been agreed
39 upon by the parties and accepted by the holder of the escrow;
- 40 (m) Has failed to disclose in writing that he is acting in the dual
41 capacity of escrow agent or agency and undisclosed principal in any
42 transaction;
- 43 (n) In the case of an escrow officer, has been convicted of, or
44 entered a plea of guilty or nolo contendere to, any crime involving
45 moral turpitude; or



1 (o) Has failed to obtain and maintain a copy of the executed
2 agreement or contract that establishes the conditions for the sale of
3 real property.

4 2. It is sufficient cause for the imposition of a fine or the
5 refusal, suspension or revocation of the license of a partnership,
6 corporation or any other association if any member of the
7 partnership or any officer or director of the corporation or
8 association has been guilty of any act or omission directly arising
9 from the business activities of a title agent which would be cause for
10 such action had the applicant or licensee been a natural person.

11 3. The Commissioner may suspend or revoke the license of a
12 title agent, or impose a fine, if the Commissioner finds that the title
13 agent:

14 (a) Failed to maintain adequate supervision of an escrow officer
15 title agent he has appointed or employed.

16 (b) Instructed an escrow officer to commit an act which would
17 be cause for the revocation of the escrow officer's license and the
18 escrow officer committed the act. An escrow officer is not subject to
19 disciplinary action for committing such an act under instruction by
20 the title agent.

21 4. The Commissioner may refuse to issue a license to any
22 person who, within 10 years before the date of applying for a current
23 license, has had suspended or revoked a license issued pursuant to
24 this chapter or a comparable license issued by any other state,
25 district or territory of the United States or any foreign country.

26 **Sec. 68.** NRS 706.8841 is hereby amended to read as follows:

27 706.8841 1. The Administrator shall issue a driver's permit
28 to qualified persons who wish to be employed by certificate holders
29 as taxicab drivers. Before issuing a driver's permit, the
30 Administrator shall:

31 (a) Require the applicant to submit a set of his fingerprints,
32 which must be forwarded to the Federal Bureau of Investigation to
33 ascertain whether the applicant has a criminal record and the nature
34 of any such record, and shall further investigate the applicant's
35 background; and

36 (b) Require proof that the applicant:

37 (1) Has been a resident of the State for 30 days before his
38 application for a permit;

39 (2) Can read and orally communicate in the English
40 language; and

41 (3) Has a valid license issued under NRS 483.325 which
42 authorizes him to drive a taxicab in this state.

43 2. The Administrator may refuse to issue a driver's permit if
44 the applicant has been convicted of:



1 (a) A felony ~~[, other than a felony involving any sexual offense,]~~
2 *relating to the practice of taxicab drivers* in this state or any other
3 jurisdiction ~~[within 5 years before the date of the application;]~~ *at*
4 *any time before the date of the application;*

5 (b) A felony involving any sexual offense in this state or any
6 other jurisdiction at any time before the date of the application; or

7 (c) A violation of NRS 484.379 or 484.3795 or a law of any
8 other jurisdiction that prohibits the same or similar conduct within 3
9 years before the date of the application.

10 3. The Administrator may refuse to issue a driver's permit if
11 the Administrator, after the background investigation of the
12 applicant, determines that the applicant is morally unfit or if the
13 issuance of the driver's permit would be detrimental to public
14 health, welfare or safety.

15 4. A taxicab driver shall pay to the Administrator, in advance,
16 \$20 for an original driver's permit and \$5 for a renewal.

17 **Sec. 69.** NRS 176A.860 is hereby repealed.

18 **Sec. 70.** 1. If, before October 1, 2003, a person was:

19 (a) Honorably discharged from probation pursuant to
20 NRS 176A.850;

21 (b) Pardoned pursuant to NRS 213.090;

22 (c) Honorably discharged from parole pursuant to NRS 213.154
23 and 213.155; or

24 (d) Released from prison and not subject to probation or parole
25 pursuant to NRS 213.157,

26 and the person has not had his civil rights restored, the person may
27 request a restoration of his civil rights by filing a written request
28 with the district court for the county in which the person resides.

29 2. If a person files a written request with the district court
30 pursuant to subsection 1, the district court shall:

31 (a) Enter a court order restoring the civil rights of the person and
32 releasing the person from all penalties and disabilities which
33 resulted from the offense or crime of which the person was
34 convicted; and

35 (b) As soon as reasonably practicable after entry of the court
36 order:

37 (1) Provide written notice to the registrar of voters for the
38 county in which the person resides that the right to vote of the
39 person has been restored; and

40 (2) Provide written notice to the person that his civil rights
41 have been restored. The person may present the written notice to the
42 registrar of voters for the county in which the person resides as
43 proof that his right to vote has been restored.



1 3. A person must not be required to pay a fee to have his civil
2 rights restored or to be released from penalties and disabilities
3 pursuant to this section.

4 **Sec. 71.** 1. This section and sections 1 to 52, inclusive, and
5 54 to 70, inclusive, of this act become effective on July 1, 2003.

6 2. Section 52 of this act expires by limitation on the date on
7 which the provisions of 42 U.S.C. § 666 requiring each state to
8 establish procedures under which the state has authority to withhold
9 or suspend, or to restrict the use of professional, occupational and
10 recreational licenses of persons who:

11 (a) Have failed to comply with a subpoena or warrant relating to
12 a proceeding to determine the paternity of a child or to establish or
13 enforce an obligation for the support of a child; or

14 (b) Are in arrears in the payment for support of one or more
15 children,

16 are repealed by the Congress of the United States.

17 3. Section 53 of this act becomes effective on the date on
18 which the provisions of 42 U.S.C. § 666 requiring each state to
19 establish procedures under which the state has authority to withhold
20 or suspend, or to restrict the use of professional, occupational and
21 recreational licenses of persons who:

22 (a) Have failed to comply with a subpoena or warrant relating to
23 a proceeding to determine the paternity of a child or to establish or
24 enforce an obligation for the support of a child; or

25 (b) Are in arrears in the payment for support of one or more
26 children,

27 are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

176A.860 Procedure for applying for restoration of civil rights after honorable discharge.

1. If a person is granted an honorable discharge from probation, not sooner than 6 months after his honorable discharge, the person may apply to the Division to request a restoration of his civil rights if the person:

(a) Has not previously been restored to his civil rights; and

(b) Has not been convicted of any offense greater than a traffic violation after his honorable discharge.

2. If a person applies to the Division to request a restoration of his civil rights, the person must submit with his application a current, certified record of his criminal history received from the



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Central Repository for Nevada Records of Criminal History. If the Division determines after an investigation that the person meets the requirements of this section, the Division shall petition the court in which the person was convicted for an order granting the restoration of his civil rights. If the Division refuses to submit such a petition, the person may, after notice to the Division, directly petition the court for an order granting the restoration of his civil rights.

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